

# Congressional Record

## SEVENTY-FOURTH CONGRESS, SECOND SESSION

### SENATE

WEDNESDAY, APRIL 22, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, April 21, 1936, was dispensed with, and the Journal was approved.

#### CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following

Senators answered to their names:

Adams	Clark	Johnson	Overton
Ashurst	Connally	Keyes	Pittman
Austin	Coolidge	King	Radcliffe
Bachman	Copeland	La Follette	Reynolds
Bailey	Couzens	Logan	Robinson
Barbour	Davis	Loung	Russell
Barkley	Dickinson	Long	Schwellenbach
Benson	Dieterich	McAdoo	Sheppard
Bilbo	Donahay	McGill	Shipstead
Black	Duffy	McKellar	Steiwer
Borah	Fletcher	McNary	Thomas, Okla.
Brown	Frazier	Maloney	Thomas, Utah
Bulkley	George	Metcalf	Townsend
Bulow	Gibson	Minton	Truman
Burke	Glass	Moore	Tydings
Byrd	Guffey	Murphy	Vandenberg
Byrnes	Hale	Murray	Van Nuys
Capper	Harrison	Neely	Wagner
Caraway	Hatch	Norris	Walsh
Carey	Hayden	Nye	White
Chavez	Holt	O'Mahoney	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from Nevada [Mr. McCARRAN], and the Senator from Florida [Mr. TRAMMELL] are absent from the Senate because of illness; and that the Senator from Washington [Mr. BONE], the Senator from South Carolina [Mr. SMITH], the Senator from Montana [Mr. WHEELER], the Senator from Oklahoma [Mr. GORE], the Senator from Rhode Island [Mr. GERRY], and the Senator from Idaho [Mr. POPE] are unavoidably detained.

Mr. REYNOLDS. I announce that the Senator from Illinois [Mr. LEWIS], having accepted an invitation to deliver an address before the North Carolina State Bar Association, is absent on that mission.

Mr. AUSTIN. I announce that the Senator from Delaware [Mr. HASTINGS] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

#### DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Chief Examiner of the United States Civil Service Commission, reporting, pursuant to law, that there are on the files of the Commission in Washington and in the field an accumulation of papers which are not needed in the transaction of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying schedule, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BULOW and Mr. WHITE members of the committee on the part of the Senate.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by a mass meeting held at Los Angeles, Calif., of officers and workers representing about 300,000 members of the Townsend old-age revolving pension plan movement in southern California, protesting against the enactment of the bill (H. R. 11663) to require reports of receipts and disbursements of certain contributions, to require the registration of persons engaged in attempting to influence legislation, to prescribe punishments for violation of this act, and for other purposes, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of petitions from Wichita Lodge No. 571, Brotherhood of Railway and Steamship Clerks, by Thomas P. Page, secretary-treasurer, of Wichita; Osawatimie Lodge No. 64, International Association of Machinists, by A. W. Farley, recording secretary, of Osawatimie; and Wilson Lodge No. 628, Brotherhood of Railway Clerks, by Fred M. Cathell, legislative representative, of Topeka, all in the State of Kansas, praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which were referred to the Committee on Interstate Commerce.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of the bill (S. 3475) to provide for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Branch No. 169 of the Workmen's Sick and Death Benefit Fund, of Baltimore, Md., favoring the enactment of the bill (S. 3475) to provide for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Lodge No. 294, International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, of Baltimore, Md., favoring the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which was referred to the Committee on Interstate Commerce.

Mr. BYRNES presented the following resolution of the House of Representatives of the State of South Carolina, which was ordered to lie on the table:

Resolution endorsing a bill in the Congress of the United States making it a felony to transport in interstate or foreign commerce persons to be employed to obstruct or interfere with the right of peaceful picketing during labor controversies

Whereas there has been introduced in the Congress of the United States by Senator JAMES F. BYRNES, of South Carolina, and known as Senate bill no. 2039 entitled, "A bill making it a felony to transport in interstate or foreign commerce persons to be

employed to obstruct or interfere with the right of peaceful picketing during labor controversies", and the same is now pending; and

Whereas we believe it an inalienable right of labor for peaceful picketing without foreign interference; and

Whereas in the past there have been those who have capitalized and make a commercial proposition out of disputes between labor and capital; and

Whereas we believe that Senate bill no. 2039 will do much to eliminate such conditions and is in the interest of labor: Now, therefore, be it

*Resolved by the house of representatives*, That we commend Senator BYRNES for introducing and attempting to secure the passage of and respectfully urge upon the South Carolina delegation their support of said bill; be it further

*Resolved*, That a copy of this resolution be sent to the clerk of the United States Senate, a copy also to be sent to Senator JAMES F. BYRNES and the other Members of the South Carolina delegation.

#### LOW-COST HOUSING

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred three resolutions, all approving the pending so-called housing bill, one adopted by the Board of Estimate and Apportionment of the City of New York, another adopted by the Lower East Side Public Housing Conference of New York City, and the third by the State Board of Housing of the State of New York.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

*Be it resolved*, That the Board of Estimate and Apportionment of the City of New York does strongly and earnestly request the Congress of the United States to enact at the earliest possible date the United States Housing Act of 1936, known as the Wagner housing bill (S. 4424); and be it

*Resolved further*, That a copy of this resolution be sent to the Vice President of the United States, the Speaker of the House of Representatives, Senator WAGNER, and the chairmen of the House and Senate committees having jurisdiction thereof.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 17, 1936.

PEARL BERNSTEIN, *Secretary*.

Whereas it has been proven that bad housing is detrimental to the health of the people in a community and that slums constitute an economic waste; and

Whereas it is an acknowledged fact that good housing for persons of low incomes cannot be provided through the ordinary channels of private enterprise; and

Whereas city, State, and National Governments have accepted the principles and acknowledged the obligation of governmental responsibility for the housing of persons who cannot be reached through private enterprise; and

Whereas private enterprise finds it unprofitable to provide housing accommodations of modern standard at rents sufficiently low to meet the needs of low-income wage workers, and therefore it becomes the responsibility of Government to do so: And, therefore, be it

*Resolved*, That the Lower East Side Public Housing Conference endorses a bill introduced in the Senate by the Honorable ROBERT F. WAGNER, United States Senator from New York, and in the House of Representatives by the Honorable HENRY ELLENBOGEN, Congressman from Pennsylvania; be it further

*Resolved*, That a copy of this resolution be forwarded to the President of the United States, Hon. ROBERT F. WAGNER and ROYAL S. COPELAND, Senators from New York, and the Honorable DAVID I. WALSH, chairman of the Senate Committee on Education and Labor, and the following Representatives: Hon. HENRY ELLENBOGEN, Hon. JAMES A. O'LEARY, Hon. SAMUEL DICKSTEIN, Hon. CHRISTOPHER D. SULLIVAN, Hon. WILLIAM I. SIROVICH, Hon. JOHN O'CONNOR, Hon. MARTIN J. KENNEDY, Hon. HENRY B. STEAGALL; and be it further

*Resolved*, That the Lower East Side Public Housing Conference requests of the chairman of the Committee on Banking and Currency of the House of Representatives that public hearings be held to enable the proponents of the bill to set forth publicly their reasons for their support.

This is a true copy of resolution of the Lower East Side Public Housing Conference, dated April 20, 1936.

MAC GOLDSMITH, *President*.

#### RESOLUTION OF THE STATE BOARD OF HOUSING ADOPTED APRIL 17, 1936

Whereas the Legislature of the State of New York, by chapter 823 of the Laws of 1926, declared that congested and unsanitary housing conditions which exist in certain areas of the State in low-priced dwellings are a menace to the health, safety, morals, and welfare, and the reasonable comfort of the citizens of the State; that correction of these conditions in such areas being otherwise impossible, it is essential that provision be made for the investment of private funds at low interest rates, the acquisition at fair prices of adequate parcels of land, the gradual demolition of existing unsanitary and unsafe housing, and the

construction of new housing facilities under public supervision in accord with proper standards of sanitation and safety at a cost which will permit monthly rentals which wage earners can afford to pay; and

Whereas by further legislative declaration in 1934 the Legislature of the State of New York having further found that the clearance, replanning, and reconstruction of the areas in which unsanitary or substandard housing conditions exist and the providing of decent, safe, and sanitary dwelling accommodations in said areas and elsewhere for persons of low income are public uses and purposes for which public money may be spent and private property acquired; and

Whereas the legislature having created the State board of housing and authorized the organization of limited dividend housing corporations and the establishment of municipal housing authorities, which are declared to be agencies and instrumentalities of the State for the purpose of promoting the public health and safety by providing for the elimination of unsanitary and dangerous housing conditions, for the relief of congested areas and the construction and supervision of dwellings, and for the letting of apartments at reasonable rentals; and

Whereas mortgage funds are not available in amount sufficient to finance large-scale limited dividend corporation projects, or public funds available in amounts sufficient to finance projects of municipal housing authorities without the aid of the Federal Government in the manner substantially as set forth under the terms of the proposed United States Housing Act, being S. 4424, by WAGNER, and H. R. 12164, by ELLENBOGEN; and

Whereas it is desirable that the benefits of a continuing Federal housing policy be extended throughout the United States by providing for a permanent housing agency in the Federal Government: Be it

*Resolved*, That the New York State Board of Housing respectfully urges upon the United States Senate the enactment at the earliest date possible of the United States Housing Act of 1936, being Senate bill 4424, introduced by Senator ROBERT F. WAGNER, of New York, and urges upon the House of Representatives the enactment at the earliest possible date of the identical measure introduced by Congressman HENRY ELLENBOGEN, of Pennsylvania, being H. R. 12164; and be it further

*Resolved*, That a copy of this resolution be sent to the President and to the Vice President of the United States, the Speaker of the House of Representatives, and to the members of the Senate Committee on Education and Labor and the House Committee on Banking and Currency.

#### REPORT OF THE COMMITTEE ON BANKING AND CURRENCY

Mr. ADAMS, from the Committee on Banking and Currency, to which was referred the bill (S. 4448) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the issuance of the charter to the city of Lynchburg, Va., reported it without amendment and submitted a report (No. 1918) thereon.

#### DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. THOMAS of Oklahoma. From the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, and I submit a report (No. 1919) thereon.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. THOMAS of Oklahoma. Mr. President, the Committee on Appropriations authorized the offering of six several amendments on the floor of the Senate. Inasmuch as these amendments are legislative, I file at this time notices of motions to suspend paragraph 4 of rule XVI, so that the several amendments may be considered by the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and permission to file the notices is granted.

#### NOTICES OF MOTIONS TO SUSPEND PARAGRAPH 4 OF RULE XVI

The notices filed by Mr. THOMAS of Oklahoma are as follows:

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, the following amendment, viz: At the end of the bill insert the following new section:

"Sec. —. Paragraph (7) of section 1 (b) of the District of Columbia Unemployment Compensation Act, as amended, is amended to read as follows:



"(7) Service performed in the employ of a corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual."

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, the following amendment, viz: Add as a new section the following:

"Sec. 7. The Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, to secure and to install, at no expense to the said District, mechanical parking meters or devices on the streets, avenues, roads, highways, and other public spaces in the District of Columbia under the jurisdiction and control of said Commissioners; and said Commissioners are authorized and empowered to make and enforce rules and regulations for the control of the parking of vehicles on such streets, avenues, roads, highways, and other public spaces, and as an aid to such regulation and control of the parking of vehicles the Commissioners may prescribe fees for the privilege of parking vehicles where said meters or devices are installed.

"The Commissioners are further authorized and empowered to pay the purchase price and cost of installation of the said meters or devices from the fees collected, and thereafter such meters or devices shall become the property of said District and all fees collected shall be paid to the collector of taxes for deposit in the Treasury of the United States to the credit of the revenues of said District."

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, the following amendment, viz: Add as a new section the following:

"Sec. 8. The Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce regulations to require any person in charge or control of any lot of land, improved or unimproved, within the District of Columbia, fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, agent, lessee, receiver, trustee, executor, administrator, or otherwise, to remove and clear away or cause to be removed and cleared away any snow, ice, and sleet from any said sidewalk in front of or abutting on said lot of land; and, in case the snow, ice, and sleet on such sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, to require such person in charge or control of any such lot of land to cause said sidewalk to be made safe by strewing the same with such suitable material as the Commissioners may prescribe and to require such person in charge or control of any such lot of land to thoroughly clean said sidewalks of snow, ice, sleet, and such material as soon thereafter as the weather shall permit, and to provide penalties for the violation of such regulations not to exceed \$25 for each such violation.

"The act entitled 'An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia', approved September 16, 1922, is hereby repealed."

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, the following amendment, viz: On page 65, line 18, after the figures "\$85,000", to insert: "Provided, That pay patients may hereafter be admitted to the Children's Tuberculosis Sanatorium for care and treatment at such rates and under such regulations as may be established by the Commissioners of the District of Columbia, insofar as such admissions will not interfere with admission of indigent patients."

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, the following amendment, viz: On page 56, in line 2, after the word "justices", insert "marshal, \$3,600, whose appointment is hereby authorized"; and in line 6, to strike out "\$111,800" and insert in lieu thereof "\$115,400."

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 11581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1937, and for other purposes, the following amendment, viz: On page 32, line 25, after the sum "\$7,113,640", to insert: ", of which not exceeding \$5,000

may be expended for compensation to be fixed by the Board of Education and traveling expenses of educational consultants employed on special educational projects."

#### AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted six amendments intended to be proposed by him on behalf of the Committee on Appropriations to House bill 11581, the District of Columbia appropriation bill, which were ordered to lie on the table and to be printed. (See amendments printed in full above.)

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 4518) for the relief of the dependents of W. R. Dyess; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 4519) to dispense with unnecessary renewals of oaths of office by civilian employees of the executive departments and independent establishments, and for other purposes; to the Committee on the Judiciary.

By Mr. BLACK (for Mr. BANKHEAD):

A bill (S. 4520) to amend the act approved June 29, 1935 (49 Stat. 436-439), entitled "An act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges"; to the Committee on Agriculture and Forestry.

#### ENFORCEMENT OF TWENTY-FIRST AMENDMENT TO CONSTITUTION—AMENDMENTS

Mr. KING submitted amendments intended to be proposed by him to the bill (H. R. 8368) to enforce the twenty-first amendment, which were ordered to lie on the table and to be printed.

#### TAXATION OF INTOXICATING LIQUOR—AMENDMENTS

Mr. McNARY submitted amendments intended to be proposed by him to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

#### MINNEAPOLIS & ST. LOUIS RAILROAD

Mr. BENSON submitted the following resolution (S. Res. 287), which was referred to the Committee on Interstate Commerce:

Whereas hearings are now being conducted by the Interstate Commerce Commission with a view to approval or disapproval of the dismemberment of the Minneapolis & St. Louis Railroad and its piecemeal sale to seven other railroads now organized, for purposes of this transaction, into the Associated Railways Co.; and

Whereas the Reconstruction Finance Corporation has appeared at said hearings through its representative, John W. Barriger, 3d, and has actively advocated and encouraged the proposed dismemberment; and

Whereas the said John W. Barriger, 3d, as representative of the Reconstruction Finance Corporation, has admitted having held conferences with officials of the railroads seeking to participate in the piecemeal purchase of the Minneapolis & St. Louis Railroad, but has declined in his testimony to disclose the origin of the dismemberment proposal; and

Whereas the railroads comprising the Associated Railways Co. are now indebted to the Reconstruction Finance Corporation for about \$90,000,000 and propose to borrow \$7,200,000 more to carry out the purchase of the Minneapolis & St. Louis Railroad; and

Whereas the Minneapolis & St. Louis Railroad has in the past year shown a decided improvement in its operating finances, is reported to be valued by the Interstate Commerce Commission at more than \$35,000,000, and its sale to Associated Railways Co., including its 1,600 miles of track, is proposed at a price of only about \$8,300,000; and

Whereas the management of the Minneapolis & St. Louis Railroad expects its operations to gross from \$9,000,000 to \$10,000,000 this year, with a net profit of \$750,000, and such earnings would justify a capitalization of at least \$17,000,000, or \$10,000,000 more than Associated Railways offers to pay; and

Whereas under the Interstate Commerce Commission's own method of computation supplies and equipment of the Minneapolis & St. Louis Railroad have been found to be worth \$5,609,000, and its Minneapolis terminal has been valued by the Interstate



Commerce Commission at more than \$4,000,000, and these values are in addition to the value of right-of-way, rails, ties, shops, factories, and stations; and

Whereas the sale and dismemberment of the Minneapolis & St. Louis Railroad proposes abandonment of some 550 miles of its trackage; and

Whereas such abandonment would deprive more than 100 communities in Minnesota, South Dakota, Iowa, and Illinois of services and facilities and would tend to convert these northwest communities into ghost towns and deserted villages; and

Whereas the effects of such sale and dismemberment are so obviously disastrous to the four-State area affected that the Great Western Railroad through its president, P. H. Joyce, has withdrawn from the application of Associated Railways for dismemberment, and publicly stated, "We do not care to be a party to depriving more than 100 communities of the services and facilities they now enjoy"; and

Whereas more than 3,000 Minneapolis & St. Louis Railroad employees would be deprived of employment and their families deprived of their normal means of support, and the city of Minneapolis would be deprived of its second largest pay roll in excess of \$1,750,000; and

Whereas the business interests of Minneapolis and the business and agricultural interests of the four States, Minnesota, South Dakota, Iowa, and Illinois, and the vast membership of the entire 21 organizations of railroad labor, have united in unanimous protest against the break up of the Minneapolis & St. Louis Railroad, with its resultant demoralizing effect upon employment, destructive results to Northwest transportation facilities, and vast loss of property values for taxation purposes; and

Whereas the Reconstruction Finance Corporation, despite the attitude of its representative, John W. Barriger, III, is presumably and avowedly an agency of government set up for purposes of economic reconstruction rather than demoralization: Therefore be it

*Resolved*, That a special committee consisting of five Senators, with adequate representation from the districts to be affected by the proposed dismemberment, be appointed by the President of the Senate to investigate the social and economic effects, and the financial advisability or inadvisability of the proposed sale of the Minneapolis & St. Louis Railroad to the Associated Railways Co., and further to investigate the origin of the dismemberment proposal, and to determine and pass upon the propriety of the activity of agents of the Reconstruction Finance Corporation in appearing as proponents of the dismemberment and sale; and be it further

*Resolved*, That the Interstate Commerce Commission be, and hereby is, requested to withhold approval of such dismemberment and sale until such time as the investigation, herewith authorized, shall have been completed, and the committee shall have reported to the Senate in the Seventy-fifth Congress its findings and recommendations.

#### SMALL MANUFACTURING INDUSTRIES

Mr. SHEPPARD submitted the following resolution (S. Res. 283), which was referred to the Committee on Manufactures:

*Resolved*, That the Committee on Manufactures be, and it is hereby, requested to report to the Senate as to the advisability of requiring the Secretary of Commerce to investigate and determine for the information of individuals or organizations asking such information, as to the smallest capital, labor, and machine units with which, and the smallest distribution and population areas in which articles of common use, to be specified by the parties seeking to be informed, may be profitably manufactured for sale, and to embody the result in replies to said parties and in bulletins for general circulation.

SEC. 2. That the Committee on Manufactures be, and it is hereby, requested to report to the Senate as to the advisability of requiring the Secretary of Agriculture to investigate and determine as to the extent to which small factories may be operated in connection with farms of average size on the farm itself, in farm communities, in villages or elsewhere, and to embody the result in bulletins for general circulation.

#### MR. HEARST AND THE LOBBY COMMITTEE

Mr. MINTON. Mr. President, on April 19, 1936, there appeared in the Emporia Daily Gazette, of Emporia, Kans., an editorial entitled "Hearst Loses." I call this editorial to the attention of the Senate, first, because no one is better qualified to speak for the decent press of the country than is the grand old editor of Emporia, Kans., William Allen White; second, because I agree heartily with what he says; and, third, because the last line of this editorial seems to forecast a coming event. It reads:

Whoever ties up with him—

Meaning Mr. Hearst—

begins to smell lilies and attract the undertaker.

I take it from that that it forecasts one of two things, either that Governor Landon is going to give the "hook" to Mr. Hearst, or he will wake up with some political lilies in his hand.

I ask unanimous consent that the editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Emporia (Kans.) Daily Gazette of Apr. 9, 1936]

#### HEARST LOSES

It was probably Hearst who lost the injunction suit to keep the Senate Lobby Committee and the Federal Trade Commission from examining or using his telegrams. It may not have been the merits of the case, but Hearst who lost. For, after all, the man in a lawsuit has something to do with the way a lawsuit goes.

Hearst came into this lawsuit with dirty hands. No man living is so entirely responsible for journalistic violating of private life, for purloining and printing private correspondence, as Hearst. It is odd to see Hearst meek and put-upon as he assumes to be in this lawsuit. The Uriah Heep attitude ill befits a man who is the Fagan of the newspaper business.

There was something in the contention of Hearst's lawsuit. It is just as well that it has gone to the Supreme Court. But there was precious little in Hearst to justify a decision in his favor.

Professionally, Hearst is a form of poison. Politically, he has degenerated into a method of suicide. Whoever ties up with him begins to smell lilies and attract the undertaker.

#### THE LOBBY INVESTIGATING COMMITTEE AND ITS CRITICS—ADDRESS BY SENATOR MINTON

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting address delivered over the radio on the 15th instant by the distinguished Senator from Indiana [Mr. MINTON] on the subject of the activities of the special lobby investigating committee of the Senate and some of its critics.

There being no objection, the address was ordered to be printed in the RECORD as follows:

The Liberty League has spoken again through its \$54,000-a-year mouthpiece—Mr. Shouse. The Liberty League is as misrepresentative of the masses of the people as its mouthpiece, Mr. Shouse, is of the facts concerning the Lobby Committee.

It is well to bear in mind who it is that rises to defend your sacred liberties. First, it is the Liberty League, whose pockets are lined with the blood money of the munitions manufacturers, the Du Ponts, Raskobs, and their business associates. And, let it never be forgotten that their mouthpiece is the same Jouett Shouse who, with Raskob of the Liberty League, sought to sell the Democratic Party down the river at Chicago in 1932, and, when repudiated by the party at Chicago, organized the Liberty League and have been engaged ever since in trying to discredit, harass, and defeat President Roosevelt and his administration. Nothing constructive has come from the Liberty League—only carping criticism. What have they had to offer that would have helped this administration in the performance of its gigantic task in the most threatening peacetime emergency in the country's history? Nothing, absolutely nothing. They have attempted only to destroy the confidence of the people in their Government.

In every speech Mr. Shouse has made over the radio concerning the Lobby Committee, he has wound up his speech with the usual attack upon the New Deal and an appeal for more joiners for the Liberty League.

Second to rush to the aid of the Liberty League in defense of your liberties was Mr. Hearst and his unspeakable yellow journals. Mr. Hearst filed a lawsuit to enjoin the activities of the Black lobby committee and was rather promptly thrown out of court, with this reminder by the court as to what is meant by the freedom of the press he prates about so much and prostitutes to propaganda and sensationalism in the hope of increasing his revenues. This is what the court said as it denied Mr. Hearst's injunction and dismissed his suit against the lobby committee: "I cannot see how the freedom of the press is involved in any way. You cannot say that the proprietor of a newspaper is not amenable to ordinary judicial process, or that his communications with his subordinates are sacred. Freedom of the press, as the term originated, meant the right to criticize the Government. No such question is involved here at all."

When Mr. Hearst filed his suit against the lobby committee, this fact was heralded to all the newspapers of the country, with Mr. Hearst in the heroic role of defending the constitutional right of freedom of the press, and with the assurance that this powerful publisher would—by means of the courts, represented as the only remaining citadel of those who fight for liberty—place the Senate committee in its proper place. But when that court summarily dismissed Mr. Hearst and refused his injunction against the committee because, as the court said, it couldn't see how the question of the freedom of the press was involved, I venture the assertion that you, who had heard so much about Mr. Hearst's gallant defense of the freedom of the press, never heard about it when he was thrown out of court.

As I said in the beginning, the Liberty League has as its main objective the defeat of the New Deal, because President Roosevelt would not let Mr. Shouse, Raskob, Du Pont, and the other "money bags" run the country. It has been the purpose of the Liberty League to lay down a smoke screen of loose and false charges about the Lobby Committee in order to prevent the Lobby Committee from exposing the activities of the Liberty League, its satellites, and spurious offspring.



Here is one of the things these defenders of the Constitution, the Liberty League, wanted to conceal from you. This is of especial interest to the farmers of the country. Did you know, farmers, that the Liberty League had supported the formation of an alleged farmers' organization for the protection of the farmers? Of course, Mr. Shouse said he knew nothing about it, but here are the facts developed on yesterday by the Lobby Committee: In April 1935 there was formed in Washington, D. C., under the guidance of Stanley F. Morse, who was then on the pay roll of the Liberty League, with the high-sounding title of agricultural engineer for the Liberty League, a spurious farm organization called the Farmers Independence Council. For several months after its formation this organization had no other office in Washington than the office of the Liberty League in the National Press Building. When they branched out in Chicago, the Farmers Independence Council had no other office than the office of the Liberty League in Chicago. In Washington and Chicago this alleged farmers' organization used the office force of the Liberty League and sent and received telegrams paid for by the Liberty League. The chief contributors to its coffers were Mr. Du Pont and several of his business associates, members of the board of directors of the Bankers Trust Co., the National City Bank, the Chase National Bank of New York, the packers, and the Packers Institute of Chicago, all of whom were contributors to the Liberty League.

The Farmers Independence Council had as its objective, as revealed by its correspondence produced before the Lobby Committee, the same objective as the Liberty League, namely, the defeat of the New Deal. As evidence that they had more interest in the defeat of the New Deal than in the welfare of the farmer, in my home State of Indiana they joined hands with the Republican Victory League of Indiana, and after holding one meeting of the so-called Farmers Independence Council in Indianapolis, attended by about 25 people, most of them Republican politicians, the organization got one \$500 contribution out of Indiana, and that was from that well-known dirt farmer, George A. Ball, the millionaire manufacturer of Muncie, Ind., and the Republican national committeeman. So this is the spurious offspring of the Liberty League, nurtured by the Liberty League, supported by its supporters, and the only farm organization in the country wrapped in cellophane and using the Liberty League's money to farm the farmers.

The connection of this Farmers' Independence Council with the Liberty League and the Republican Party was carefully concealed from the farmers. Of course, we expect the Republican Party to try and defeat the New Deal. That is perfectly all right. We expect the Liberty League to try and defeat the New Deal. We welcome their opposition. But if the Liberty League and the farmers of Wall Street, Wilmington, Del., and Chicago are going to run a farm organization and play politics with the Republican Party, they ought to tell the real farmers they are doing it.

Now, with reference to the telegrams of Mr. Silas Strawn's law firm, mentioned by Mr. Shouse, Mr. Strawn's suit was not against the lobby committee, but against the Western Union Telegraph Co. The lobby committee wanted to see Mr. Strawn's telegrams because the Liberty League had paid for \$117 worth of them that had come in and gone out of Washington. The lobby committee wanted to see Mr. Strawn's telegrams to see what his activities, if any, were with reference to influencing the R. F. C. to loan the Dawes bank in Chicago \$90,000,000 before the New Deal came into existence, and what, if anything, Mr. Strawn had to do in attempting to influence the actions of public officials in Washington with reference to this loan. In due time we expect to get around to these telegrams and find out what, if anything, the hand of Silas Strawn was doing in Washington while his law firm battled in Chicago to make the little stockholders of the defunct Dawes bank pay the debt saddled on this bank, while the large stockholders got out from under by the organization of another bank.

Senator SCHWELLENBACH said, in his speech of April 2, over the radio: "Neither the committee nor its agents examined a single, solitary telegram to or by any person, association, or corporation that was not engaged in the business of lobbying."

I reassure you that that is the fact, Mr. Shouse to the contrary notwithstanding. In his speech of March 6, Mr. Shouse said: "I mean that if you, wherever you live, sent any telegram, however private, to anyone in Washington, or if you sent any telegram, however private, out of Washington to anyone in the world upon any subject during the period in question, your telegram has come under the prying eyes of the new inquisition."

I denounce that as a falsehood out of the whole cloth.

Senator BLACK pointed out in his reply to Mr. Shouse that this would have taken the committee about 10 years, since there were about 14,000,000 such telegrams. I assure you the committee wasn't even interested.

Mr. Shouse, in his next speech, as pointed out by Senator SCHWELLENBACH, had revised his figures to 22,000—a mere difference of 13,778,000 telegrams. To show you how Mr. Shouse garbles the record, he reiterates in his last speech the statement made in his first speech: "Your telegram has come under the prying eyes of the new inquisition." And then he proceeds in this same last speech of his to give the lie to that statement by saying: "I repeat that every one of them was made subject to prying eyes through the unlawful maneuvers of the new inquisition." I submit there is a vast difference between saying "your telegrams have come under prying eyes" and saying "they are made subject to prying eyes." It is just the difference between saying "your telegrams have been looked at" and saying "they may be looked at."

Now, with reference to the activities of the Federal Communications Commission, referred to by Mr. Shouse. The Federal Communications Commission has nothing whatever to do with the Lobby Committee in initiating its investigation or determining the

policy of its inquiry. The Federal Communications Commission started its own inquiry on its own motion, without any request or suggestion from the Lobby Committee, prompted, however, to do so by revelations made by the Lobby Committee, that names of senders of telegrams had been forged by the thousands and the records of lobbyists and of the telegraph company, in one instance, had been burned, in violation of the law, in order to conceal the forgeries and fraud, and, when the Federal Communications Commission had completed its examination of the telegrams, using one, and sometimes two, of its employees for a few weeks, it copied and took away only 65 copies of typical telegrams. The Lobby Committee did not use the Federal Communications Commission to obtain telegrams, because the Lobby Committee had more power than the Federal Communications Commission. We, therefore, did not need the Commission. Any law student ought to know that.

So much hullabaloo had been raised by the Liberty League and the lobbyists about the Lobby Committee and the Federal Communications Commission that Senator BORAH introduced a resolution in the Senate calling upon the Federal Communications Commission to report the facts. In response to that resolution the Commission promptly made a written report to the Senate on March 16, and on March 17 the report was printed and laid upon the desk of each Senator, where it lay for 9 days, when I called it to the Senate's attention and discussed it on the floor of the Senate. That report has never been questioned by the Senate. Senator BORAH read it, and apparently he was satisfied. If you want a copy of it, write me and I will send it to you, and see for yourself whether I am right or the Liberty League's spokesman.

That the activities and action of the Lobby Committee have met with the approval of the Senate is evidenced by the fact that while all this misrepresentation of the Senate Lobby Committee through the press and over the radio by the Liberty League was going on, the Senate, by unanimous consent, without a voice being raised against it by Democrat or Republican, voted \$12,500 more money for the use of the Lobby Committee to pursue its work. As further evidence of the fact that the United States Senate does not share the view of the Liberty League that the Lobby Committee is violating anybody's constitutional right, on March 30, 1936, I made a speech on the floor of the Senate, in which I asked the Senate if we were doing wrong to advise us so, and to this good day no Senator has raised his voice to say the committee was wrong. Why was this? Because the Senate knows the facts to be as I have related them, and not as Mr. Shouse has stated. Furthermore, the Senate knows that the subpoenas used by the Lobby Committee and its activities are following precedents of the Senate and House that have been established for over 125 years. We are using the same kind of subpoenas and tactics used by Senator WALSH, of Montana, when he unearthed Teapot Dome, while the reactionary press of the country denounced him. We are using the same subpoenas and tactics Senator WHEELER used when he drove Harry Daugherty out of public life in the face of court injunctions that stayed his hands until Daugherty's friends could burn the records. We are using the same subpoenas and tactics employed by Senator FLETCHER and Mr. PECORA when they exposed the tax-dodging skinflints of Wall Street. We are using the same subpoenas and tactics that Senator REED, of Missouri, used when he unearthed the rotten Vire machine in Pennsylvania.

If you want to know what the precedents are, write me, and I will send you an extract of the CONGRESSIONAL RECORD that contains them. You do not have to take my word, or the word of Mr. Shouse; you can read them yourself.

In conclusion, be not deceived by Mr. Shouse and the Liberty League.

Truly, the voice is the voice of Jacob but the hand is the hand of Esau.

#### DECISION SUSTAINING NEW YORK STATE JOB INSURANCE LAW

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD the decision of the Court of Appeals of the State of New York upholding the job insurance law of that State. The opinion, which was written by Chief Judge CRANE, is a very able one, and I think it is of peculiar interest at this time.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[From the New York Times of Apr. 16, 1936]

#### COURT OF APPEALS DECISION UPHOLDING THE STATE JOB INSURANCE LAW

*W. H. H. Chamberlin, Inc., appellant respondent, v. Elmer F. Andrews, industrial commissioner, defendants, respondents, appellants. E. C. Stearns & Co., plaintiff, appellant, respondent, v. Elmer F. Andrews, industrial commissioner, defendants, respondents, appellants. Associated Industries of New York State, Inc., plaintiff respondent, v. The Department of Labor of the State of New York and Elmer F. Andrews, defendants appellants.* Cross appeals in the first two cases from a judgment of the special term, Onondaga County, declaring unconstitutional in part chapter 468 of the Laws of 1935. Appeal in the third case by the State of New York from a judgment of the special term, Albany County, which declared chapter 468 of the Laws of 1935 unconstitutional.

CRANE, chief judge:

The complaint in each of the actions herein asks for a declaratory judgment that the New York unemployment insurance law



(Laws of 1935, ch. 468, art. 18 of the labor law) is unconstitutional under both the Federal and the State Constitutions.

#### QUESTION IS HELD ACUTE

The plaintiffs moved for judgment on the pleadings under rule 112 of the Rules of Civil Practice, and the court granted the motions to the extent of holding that subdivision 2 of section 506 of the statute violates section 6 of article I of the New York Constitution, and section 1 of the fourteenth amendment to the Federal Constitution. The court upheld the statute otherwise and granted judgment in favor of the defendants to that extent.

In a companion case, *Associated Industries of New York State, Inc., v. the Department of Labor of the State of New York et al.*, the special term, after issue joined, adjudged the said act to be unconstitutional and void in its entirety as depriving the plaintiff of its property without due process of law, and denying to it the equal protection of the law. Both these cases come directly to this court, pursuant to subdivision 3 of section 588 of the Civil Practice Act, a constitutional question being solely presented for review. We do not share the doubts expressed by these special terms.

The courts can take judicial notice of the fact that unemployment for the last 5 or 6 years has been a very acute problem for State and Federal Government. There have always been from earliest times the poor and the unfortunate whom the State has had to support by means of money raised by taxation. We have had our homes for the poor and the infirm, hospitals, infirmaries, and many and various means for taking care of those who could not take care of themselves. The institutions housing our insane have grown to be an enormous expense, illustrating that the legality of the expenditure of public moneys for vast numbers of those who were without means of support or help has never been questioned.

#### HOLDS PUBLIC MUST PAY

Another problem has faced society which has been a source of study, discussion, agitation, and planning. Unemployment, from whatever cause, has increased enormously in every part of the country, if not throughout the world. Is there any means possible to provide against unemployment, the loss of work, with its serious consequences to the family, to the children, and to the public at large?

When such a matter becomes general and affects the whole body politic, a situation has arisen which requires the exercise of the reserve power of the State, if there be a practical solution.

Some have suggested that for the periodical recurrence of panics and hard times the actuary might be able to work out a scheme of insurance. We need not pause to determine whether this can be done or not.

The fact is that in the past few years enormous sums of State and Federal moneys have been spent to keep housed and alive the families of those out of work who could not get employment. Such help was absolutely necessary, and it would be a strange sort of government—in fact, no government at all—that could not give help in such trouble.

The legislature of the State, acting after investigation and study upon the report of experts, has proposed what seems to it a better plan. Instead of solely taxing all the people directly, it has passed a law whereby employers are taxed for the help of the unemployed, the sums thus paid being cast upon the public generally through the natural increase in the prices of commodities. Whether relief be under this new law of the legislature or under the dole system the public at large pays the bill.

#### ACT'S OBJECTIVE IS UPHOLD

We may concede that much of unemployment is due to other factors than business depression. Just what does cause slumps in business, panics, and unemployment has never been satisfactorily explained, but a very large percentage of those who are out of work have lost their jobs or positions by reason of poor business conditions and hard times. I can see, therefore, nothing unreasonable or unconstitutional in the legislative act which seeks to meet the evils and dangers of unemployment in the future by raising a fund through taxation of employers generally.

This act in brief taxes a certain class of employers 3 percent on their pay rolls. This class of employer includes those who have employed at least four persons within each of 13 or more calendar weeks in the year 1935 or any subsequent calendar year. The employment of farm labor, of one's spouse or minor child, or employment in certain charities are excluded.

Unequal protection of the laws and unfair classification are charged against this act because employers who have had no unemployment are obliged to contribute to a fund to help those who have lost positions in failing or bankrupt businesses; also because the line is drawn at four employees instead of including all and any employers.

#### FINDS ALL EMPLOYERS AFFECTED

We do not think that this narrow view is required by any constitutional provision. People have to live and when they cannot support themselves someone has to look after them.

When able-bodied, willing men cannot find work they may be treated as a class, irrespective of their particular calling or trade. The peril to the State arises from unemployment generally, not from any particular class of workers. So, likewise, employers generally are not so unrelated to the unemployment problem as to make a moderate tax upon their pay rolls unreasonable or arbitrary. As stated before, unemployment and business conditions generally are to a large extent linked together.

Reasonable classification has been explained in *Truax v. Corriegan* (257 U. S. 312, p. 337). Quoting from *Southern Ry. Co. v.*

*Green* (216 U. S. 400-417), the court said: "While reasonable classification is permitted, without doing violence to the equal protection of the laws, such classification must be based upon some real and substantial distinction, bearing a reasonable and just relation to the things in respect to which such classification is imposed; and classification cannot be arbitrarily made without any substantial basis."

That the purpose of this law is to help those who have worked when they could get work—the working class at present out of work—is apparent from the limitation to the benefits.

#### ACT'S LIMITATIONS ARE CITED

Section 503 of the act reads as follows:

"Liability for payment of benefits.

"1. Benefits shall be paid from the fund to each unemployed employee entitled thereto.

"2. Benefits shall become payable 2 years from the date on which contributions by employers become payable under this article.

"3. No employee shall be entitled to any benefits unless he—

"(A) Is suffering total unemployment as defined in the article.

"(B) Has, as provided in this article, registered as totally unemployed and reported for work or otherwise given notice of the continuance of his unemployment; and

"(C) Has had not less than 90 days of employment as defined in this article within the 12 months preceding the day on which benefits are to commence, or (in the alternative) unless he has had not less than 130 days of employment during the 24 months preceding the day on which benefits are to commence; and

"(D) In no case shall the fund be liable to pay benefits to an employee for any unemployment occurring more than 12 months after the date on which such employee was in employment and in no case in which the claim for benefit has not been filed in the local State employment office as provided in section 510, subdivision 3, within 2 years of the last day of employment preceding the period for which such claim is made.

"(E) The fund shall pay benefits to employees in the ratio of 1 week of benefits for each 15 days of employment within the 52 weeks preceding the beginning of the payment of benefits."

#### WAITING PERIODS DEFINED

Further limitations are found in the sections following:

"Section 504. Waiting period: 1. An employee shall be entitled to benefits on account of unemployment which continues subsequent to a waiting period of 3 weeks after notification of unemployment; provided that not more than 5 weeks of unemployment for which no benefit is paid shall be required as a waiting period within any calendar year (except as otherwise provided under subdivision 2 of this section). No week of unemployment shall count as a waiting period in any case except weeks of unemployment as to which notification of unemployment has been given.

"2. An employee shall not be entitled to benefits except for unemployment which continues subsequent to a waiting period of 10 weeks:

"(a) If he has lost his employment through misconduct in connection with his employment; or

"(b) If he has lost his employment because of a strike, lock-out, or other industrial controversy in the establishment in which he was employed.

"Sec. 505. Amount of benefits.—1. Benefits shall be payable on account of total unemployment after the specified waiting period at the rate of 50 percent of the employee's full-time weekly wages, but not to exceed a maximum of \$15 per week, nor to be less than a minimum of \$5 per week.

#### QUOTES DISQUALIFICATIONS

"Sec. 506. Disqualification for benefits:

"1. No benefits shall be payable to any employee who refuses to accept an offer of employment for which he is reasonably fitted by training and experience, including employments not subject to this article: *Provided, however,* That no employee otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept employment if—

"(a) Acceptance of such employment would either require the employee to join a company union or would interfere with his joining or retaining membership in any labor organization; or

"(b) There is a strike, lock-out, or other industrial controversy in the establishment in which the employment is offered; or

"(c) The employment is either not within the State or at an unreasonable distance from his residence, or travel to and from the place of employment at expense substantially greater than that required in his former employment, unless the expenses be provided for; or

"(d) The wages, hours, and conditions offered are substantially less favorable to the employee than those prevailing for similar work in the locality, or are such as tends to depress wages or working conditions.

"Sec. 507. Limitation of amount of benefits: The total amount of benefits to which an employee shall be entitled in any consecutive 52 weeks shall not exceed 16 times his benefit for 1 week of total unemployment, seasonal occupations are to be provided for by rules and regulations after further investigation."

#### OTHER EMERGENCIES RECALLED

What shall we say about this act? At least it is an attempt to solve a great and pressing problem in government. We have had such problems thrust upon our attention arising out of emergencies, such as the rent laws (*People ex rel. Durham Realty Corporation v. La Efra*, 230 N. Y. 429); the housing laws (*Adler v.*



Deegan, 251 N. Y. 467); and the milk laws (*People v. Nebbia*, 262 N. Y. 259).

"The legislature seems to meet the future now without waiting for the emergency to arise. Can it do so? Unless there is something radically wrong, striking at the very fundamentals of constitutional government, courts should not interfere with these attempts in the exercise of the reserve power of the State to meet dangers which threaten the entire commonwealth and affect every home. No large body of men and women can be without work and the body politic be healthy.

The fund, known as the unemployment insurance fund, created under this law, is to be deposited in or invested in the obligations of the unemployment trust fund of the United States Government. This is merely a form of security, the moneys never leaving the power or control of the State authorities.

Whether we consider such legislation as we have here a tax measure or an exercise of the police power seems to me to be immaterial. Power in the State must exist to meet such situations, and it can only be met by raising funds to tide over the unemployment period. Money must be obtained and it does not seem at all arbitrary to confine the tax to a business and unemployment out of which the difficulty principally arises.

#### SAYS COURT CANNOT SIFT DATA

It is said that this is taxation for the benefit of a special class, not the public at large, and thus the purpose is essentially private. The legislature, after investigating, has found the facts to be that those who are to receive benefits under the act are the ones most likely to be out of employment in times of depression.

The courts cannot investigate these facts and should not attempt to do so. The briefs submitted show that the classification or selection made by the legislature has followed investigation and has sought to reach the weakest spot.

Experience may show this to be a mistake. No law can act with certainty; it measures reasonable probabilities.

"Judicial inquiry does not concern itself with the accuracy of the legislative finding but only with the question whether it so lacks any reasonable basis as to be arbitrary." (Mr. Justice Roberts in *Standard Oil Co. v. Marysville*, 279 U. S. 582, 586-587.)

Fault is also found, perhaps with some justification, with the benefit allowed, after a period of 10 weeks' idleness, to those who have been discharged or left because of strikes. Here again the legislature may exercise its judgment, and a full scheme or plan cannot be condemned because the courts may not approve of certain details.

So too, the right to refuse other work of a certain kind when offered has come in for criticism. There may be a diversity of views as to the wisdom of these provisions, but again, these are not matters for the courts to consider unless they become so extreme as to become arbitrary.

Whether or not the legislature should pass such a law or whether it will afford the remedy or the relief predicted for it, is a matter for fair argument, but not for argument in a court of law. Here we are dealing simply with the power of the legislature to meet a growing danger and peril to a large number of our fellow citizens, and we can find nothing in the act itself which is so arbitrary or unreasonable as to show that it deprives any employer of his property without due process of law or denies to him the equal protection of the laws.

I am of the opinion that the decision in *Railroad Retirement Board v. Alton R. Co.* (295 U. S. 330), is not applicable here. The Railroad Retirement Act of June 27, 1934, held to be unconstitutional, related to the pensioning of a certain class of employees. It could not be sustained as a police regulation or within the police power, as no such power exists in the Federal Government, and the act failed to come within the field of interstate commerce as stated in the opinion. Even the police power of the State might fall far short of enabling the legislatures of the States to provide for pensioning employees in favored industries or employment.

It therefore follows that the judgments below in plaintiff's favor must be reversed and the motions for judgment on the pleadings denied, without costs.

#### ECONOMIC RECOVERY AND MONETARY STABILIZATION

Mr. McADOO. Mr. President, I ask unanimous consent to have printed in the RECORD an able address delivered by Russell C. Leffingwell, formerly Assistant Secretary of the Treasury, during my term as Secretary of the Treasury, before the Academy of Political Science of New York, April 2, 1936, on Economic Recovery and Monetary Stabilization.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It is well to recall that all plans for reconstruction after the war in every nation were based upon monetary stabilization and the return to the gold standard or a gold exchange standard. The first to return to gold after the war was the United States. We lifted the gold embargo in the summer of 1919. The early post-war period of frantic paper money inflation in Germany, Austria, and the succession States was followed in the mid-1920's by plans of reconstruction and monetary stabilization for those countries. England, France, Belgium, Italy, and Japan returned to gold. Even India took steps in that direction. But monetary stabilization proceeded more rapidly than appeasement. While finance ministers and central bankers, aided by other banks and bankers,

formulated plans to facilitate trade and recovery through monetary stabilization, politicians and statesmen and soldiers and the people of each country only intensified their nationalism, political and economic.

How we in America came to be forced off gold, how necessary and grimly inevitable that action was, how cruel and devastating had been the consequences of monetary deflation, and how life-giving and revitalizing and essential to recovery the policy of insuring low interest rates, I need not repeat.

Sound and stable money is the handmaid of recovery, not the master. If we are to have sound and stable money we must have peace in the world—between nations and within nations. We must have freer trade in the world—between nations and within nations. And we must have budgetary equilibrium.

#### BUDGET BALANCE DEFEATED BY DEFLATION

As long as unemployment here at home continues to be great, and Government aid on a vast scale continues to be necessary, and capital issues are largely limited to refunding purposes and Government issues, recovery must be conceded to be incomplete. It cannot be necessary to say to so intelligent and chosen an audience as this that there ought not to be any reversion to deflationary policies while recovery is incomplete. The great paradox of Government finance is that fiscal and monetary policies must be such as to increase and not reduce the income of the people if the Budget is to be balanced. A government cannot balance its budget by increasing the tax rates to be imposed upon declining incomes; no more than can a railroad balance its budget by increasing the rates it charges for transportation against a declining volume of business.

Deflationary fiscal and monetary policies reduce incomes and increase the burdens thrown upon the State for relief and public welfare. Thus the State that seeks to balance its budget by deflationary policies defeats its objects, burns the candle at both ends, increases its expenditures, and reduces its income. If there be any among us inclined to oversimplify the problem, to find a happy solution by simply saying "balance the Budget", let him bear in mind this paradox. A government cannot balance its budget by edict. It cannot extract blood from a stone nor gain revenues by deflating the national economy.

#### DANGER OF DEAR-MONEY POLICY

Low rates of interest must be maintained by Treasury policy and Federal Reserve policy if there is to be recovery and a balanced Budget. Any premature effort to make money dear, in apprehension and in anticipation of an inflation which does not exist, will defeat its own purpose by retarding recovery, increasing unemployment, reducing income, and increasing the need of Government relief. A private businessman may, if unrestrained by motives of kindness and good will and social obligation, hire and fire as he pleases, raise prices and reduce expenses, curtail his business, or wind it up if it runs at a loss. Government cannot do that. Government is the residuary legatee of all the successes and all the failures of all of us. Government must keep itself going and keep its people going too. Government can balance its Budget only by enriching its people, not by impoverishing them.

#### RELIEF NECESSARY

Government must intervene to relieve the sufferings of the people. It is intolerable in the modern world with its elaborate mechanism of trade and finance, its highly industrialized and mechanized economy, that our people should be left to starve or to endure privation almost worse than starvation. It is intolerable that the monetary mechanism evolved for the sole purpose of achieving stability and human welfare should be permitted ever again to run amuck as it did from 1929 to 1933. It is an archaic superstition that money is stable if its value remains fixed in gold only, while prices collapse more or less generally to the point of bankruptcy, as they did in that tragic period. During the last 3 years Government policy put an end to deflation, brought about some measure of recovery, achieved monetary stabilization and provided necessary relief. Let us not be unmindful of the depth of economic despair from which in 3 years we have emerged, nor the vital necessity of Government action along these lines, however critical we may be of the extent and manner in which public expenditures have been made, or of this and that phase of monetary policy.

#### DANGERS AHEAD

But while we must be grateful for the immense progress achieved and recognize the validity of the emergency which called for the emergency use of Government credit and for emergency monetary policies, we must not close our eyes to the perils ahead.

One reason why America financed her part in the war well was that she had no debt to speak of when the war began, a little more than a billion and a quarter dollars. That debt she increased to nearly \$27,000,000,000 in less than 2½ years. Thereafter promptly she began debt reduction and continued it for over a decade. From a peak of nearly \$27,000,000,000 in August 1919 the debt was reduced to the post-war low point of \$16,000,000,000 at the end of 1930.

It is partly because the United States Government debt had been so greatly reduced in the post-war decade that the Government's credit was readily available to meet the emergency of the great depression. What do we have credit for? To use when the need arises. How do we have credit to use then? By not abusing it ever. The great peril which confronts us today as a people is that we may learn to abuse the Government credit after the emergency need has passed.



## MOUNTING PUBLIC DEBT

In a little more than 2 war years the public debt rose \$25,000,000,000. In 11 years it was reduced by ten and one-half billion dollars. But now for 5 years and more it has been rising steadily and without intermission, until today it has reached an all-time peak of over \$30,000,000,000, having almost doubled itself in the period since the depression began.

These figures do not include four and one-half billion dollars of debt guaranteed by the United States Government incurred since the depression began nor the rapidly mounting debt of the States and municipalities.

I have said that the use of the public credit for relief in the emergency, and going off gold to stop the deflation, were necessary emergency measures. But these were major operations justified and only justified by the magnitude of the calamity that had befallen the American people. We must not drift into the notion that these emergency powers can be availed of as a habit.

## EMERGENCY MEASURES NOT FOR EVERY-DAY USE

The credit of the United States and the resources of the American people are so great that the financial risks involved seem even now after 5 years of mounting public debt quite remote. And the easy-money policy, which is still so necessary for economic recovery, gives an artificial facility to public borrowing. But cheap money and a mounting public debt are habit-forming drugs to be used sparingly and in an emergency only. The use of them must be discontinued as promptly as possible or, first, they lose their stimulating effect and then become severely depressant. Emergency use of the public debt in a crisis is to be applauded. Its abuse becomes a menace. Once let the impression arise that a government has become addicted to these drugs and its credit goes, and along with it the value of its money. Then inflation sets in. And there is no deflation so complete and devastating as that which comes when government credit is vanishing, and with it the buying power of money. That is another paradox—that the most deflationary thing that can happen to a people is a paper-money inflation.

## MORAL AND POLITICAL RISKS

And what of the moral and political risks? The habit of turning to the Public Treasury for relief and aid and subsidy is deeply ingrained in the American people. This is not a vice of any man or any party or any period. From the foundation of the Republic, Congress has been besieged by appeals for grants in aid and subsidies and doles, for tariffs and pensions, for rivers and harbors, for public buildings and public works, for roads and canals, in aid of this and that organized national or local group of voters. The pork barrel and logrolling are not new or even recent discoveries. The deterioration of our public life I attribute in large measure to the irksomeness to the public man of the pressure for placating his constituents by grants and favors from the public purse, if he is to attain, or to retain, public office.

Some of us are all too prone to concern ourselves with the mote in another's eye and ignore the beam in our own. Some are apt to be self-righteous in criticism of a soldiers' bonus or unemployment relief, though we rightly approve necessary aid to banks and railroads; to complain of paying money to farmers for what they don't grow, and yet be complacent about the infinitely more costly tariff favors habitually showered by Congress upon our manufacturing interests.

## EVILS TO BE AVOIDED

Today the problem of monetary stabilization and recovery appears to have progressed in this country as far as it can while recovery is so largely dependent upon emergency aid from the Government, and restricted by the disastrous effect upon our exports and foreign trade of tariffs, embargoes, quotas, disturbed foreign exchanges, wars, and the fear of war. The great peril which confronts the Republic aside from the disturbance of world affairs and the curtailment of world trade, is the threat that the long-established and ever-growing habit of treating Uncle Sam as a "sugar daddy" will undermine the independence and self-respect of the American people and will corrupt the electorate and their chosen representatives.

## THE NEED OF A CIVIL SERVICE

The growing importance of government in our affairs, whether we like it or not, gives added importance to the efficiency and incorruptibility of the public servant. Next after corruption of the electorate through grants and favors to special groups and communities, the Government of the Republic is imperiled by the failure to establish a first-rate civil service by offering a permanent career to first-rate men. The American is too often a jack of all trades and master of none. We are too prone to think of the public service as an honor or a reward for the individual, too little as an opportunity to serve the public. The American people are entitled to something better in the field of public service than the spoils system or the laboratory system. Public service ought not any longer to be regarded as a reward for political service, for campaign contributions, as a field to teach ignoramus the public business, nor for theorists to experiment in. We do not wish to be guinea pigs for laboratory experiments by freshmen students of government and political science.

The increasing power of government and its enlarged functions call out above everything else for the abolition of the spoils system and the laboratory system and the substitution of a trained permanent civil service of men immune from political attack,

immune from political removal, devoting their lives to the public welfare. The upper levels of the civil service of the United States should be made to appeal to the very best of the graduates of our colleges and law schools and business schools. Our Government is political, and should be. That is the nature of democratic institutions. The President and his Cabinet and one political undersecretary should rule each department. The remaining officers and employees should be permanent civil servants trained to their tasks from the highest to the lowest and honored in accordance with their competence.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 3258. An act to amend section 304 of the Revised Statutes, as amended;

S. 3395. An act to authorize the acquisition of the railroad tracks, trestle, and right-of-way of the Gulf Power Co. at the Naval Air Station, Pensacola, Fla.;

S. 3413. An act to give effect to the convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes;

S. 3669. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 3720. An act to authorize the Secretary of the Navy to accept on behalf of the United States the bequest of the late Henry H. Rogers, and for other purposes; and

S. J. Res. 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes.

## DEPORTATION OF ALIEN CRIMINALS

The Senate resumed the consideration of the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the amendment in the nature of a substitute reported from the Committee on Immigration. The Senator from North Carolina [Mr. REYNOLDS] had the floor when the Senate recessed yesterday evening and is now recognized.

Mr. REYNOLDS. Mr. President, it is my understanding from the clerk, in particular reference to my agreement to limit myself to a period and duration of 3 hours in which to discuss the pending question, I now have available 1 hour and 25 minutes.

The VICE PRESIDENT. The Chair will state to the Senator that, so far as the parliamentary situation is concerned, the Chair knows nothing about any agreement. That is a matter in the keeping of the Senator from North Carolina.

Mr. REYNOLDS. Yes, sir. It was a private agreement into which I entered yesterday, but the clerk is keeping the time, and I understand from him this morning that I have remaining an hour and 25 minutes.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Yes; I am glad to yield to the Senator from West Virginia.

Mr. NEELY. I inquire of the Senator who were the other parties to the agreement by which the Senator's time was limited in discussing this subject?

Mr. REYNOLDS. Well, a very peculiar situation arose, and under the circumstances I would really prefer not to make any mention of it. I may state that I was exceedingly regretful to be forced to limit my remarks in regard to this all-important question, but I have made a personal compact to that effect, and I am going to keep my word.



Mr. NEELY. Mr. President, I was merely curious to know who was representing the Senate in such negotiations.

Mr. REYNOLDS. The agreement affected only myself and, of course, has no effect whatsoever upon any other Members of the Senate who may be desirous of expressing their opinions on this all-important subject.

Mr. President, I desire this morning to bring to the attention of the Senate, and particularly to the attention of the Senators from the State of Colorado, a dispatch published in a morning newspaper, headlined:

Colorado martial law at border bars aliens; 316-mile stretch patrolled against indigents, too.

The dispatch continues:

DENVER, April 18.—Gov. Ed C. Johnson declared martial law today in a strip 316 miles long and a mile wide along the southern border of the State to keep out aliens and indigents.

The Governor said he had learned that railroads were shipping in track laborers and that representatives of sugar-beet companies were importing field workers from New Mexico and Texas. He also asserted that alien sheep herders were being imported.

The Governor ordered Neil W. Kimball, adjutant general of the Colorado National Guard, to mobilize all guardsmen needed to patrol the strip 316 miles along the New Mexico border. Kimball planned to use 50 men. State highway patrolmen, port of entry officers, and local officers will be stationed along other boundaries for the same purpose.

At this time I wish to extend publicly my heartfelt congratulations to the Governor of the State of Colorado. I do not know whether he is a Republican or whether he is a Democrat or whether he is an independent; but, whoever he is, I commend him for his endeavor to protect the workingmen of his State of Colorado against the influx of foreign labor and the resulting complications.

I was not at all surprised to learn of the fact through the columns of the press that the Governor of that great State had taken action to protect the laboring men and the American citizens of his Commonwealth from conditions which are being felt in every State of the Union because of the presence of aliens from shores beyond the seas whom we claim are in this country in numbers anywhere from 1,000,000 to 7,000,000. I am rather inclined to believe, unless we of the National Legislature of this country, take some action to protect the American people, that every State in the Union will be forced to enact drastic legislation for the protection of the people of the respective States. I say in all humility that, in my opinion, it is the duty of the National Congress to protect the American people. If we do not do so, the various States of the Union are themselves going to take action.

Mr. President, I desire to read the headlines from an article which appeared in the Washington Herald of this morning:

W. P. A. payments to "reds" barred by DICKSTEIN. Amendment to relief bill for Government enemies planned as bar to aid.

All of us who have been reading the press, all of us who have been sufficiently interested in this great country to ascertain what is going on, know that the presence of thousands upon thousands of aliens is seriously affecting our labor situation. By "aliens" I mean those who have come into the country both legally and illegally, but who have not attempted to become naturalized citizens, who have not been interested in securing the protection of our flag, who have not been interested in placing themselves in a position to uphold the honor of the flag and the fundamental principles upon which this country is builded. In speaking of aliens, I am referring to people who have entered our borders legally and illegally, but have no interest in the continued progress of our great country, who come here only for the purpose of usurping the jobs which rightly belong to the American workingman. Of all times that we should give attention to the interests of the American workingman, now is the time, because the last report of the American Federation of Labor disclosed, according to their statistical information, that today there are 12,625,000 men out of employment in the United States.

Let me read the headlines of this article again:

W. P. A. payments to "reds", barred by DICKSTEIN; amendment to relief bill for Government enemies planned as bar to aid.

At the present time we have no idea how many aliens there are in this country. It has been estimated that the number is anywhere from 1,000,000 to 7,000,000. We have no registration laws in our land. We have no way of ascertaining those who are here, legally or illegally, who have not taken out citizenship papers. I am glad indeed that Mr. DICKSTEIN, of the Immigration Committee of the House of Representatives, has brought to the attention of the American people the condition that is existing.

We are troubled in this country by advocates of communism, and those who have given the subject some thought consider that the situation is, perhaps, a great deal more serious than is generally realized. The Communists in this country who are stirring up the trouble, thousands upon thousands of them, have jumped ships, have waded across the Rio Grande River on the south, have found their way across the Canadian border to the north of us, and yet we sit here and, from all that I can learn, we have not had disclosed to us that which will follow unless action be taken now to bar undesirables from setting foot upon the shores of our land.

A correspondent by the name of Lydia Mendum sums up the situation in delightful terms for those desirous of protecting America for Americans. In a communication published in the Boston Transcript this writer said:

There are in this country 7,000,000 aliens, of whom 100,000 are undesirables. If these people had stayed in their own country we would have had very little unemployment discontent.

We have given them positions of trust and importance, and our native born have been pushed aside.

Minutemen were needed in '76; they are needed now.

No truer or stronger statement was ever made.

Paul Revere gave the "cry of alarm to every Middlesex village and farm."

The radio, the telephone, and the newspapers do that for us now.

I am told that no country but ours gives full citizenship to aliens. This privilege should be given only to the native born.

You can easily see that the aliens are getting control of our Government. They care nothing for our institutions and our laws. This country is now the happy hunting ground for the rascals and criminals of other countries. Look at the list of wrongdoers. You will see very few English or American names.

That speaks for itself.

Our annual bill for crime is estimated at \$140,000,000. In my opinion it would be two-thirds less if the immigration laws were rigidly enforced. One-half of the remainder would be reduced if there were no parole and wrongdoers were punished as the offense deserved.

How long are we going to stand by and let the country be taken from our control?

The united efforts of many organizations would have a great influence.

Let us insist that every candidate for office pledge himself to do his utmost for the strict enforcement of the immigration laws.

And as surely as the sun is to rise tomorrow, unless we take some action, the people in their wrath and in their might will take matters into their own hands initially by demanding that every man in public life shall say where he stands, whether he stands for Americans or whether he stands for criminal aliens.

Do not rest in the feeling that all will come out right. It will be right if we make it right, not otherwise.

As sure as there is a sun above us, the control of the Government will be taken from us if things are not changed.

And mark my words: Unless at this hour we have the courage and the backbone to stand up for the people of America, we shall have a communistic government, not in 25 years but in 10 years. We are now proceeding toward dictatorship, toward communism, toward czarism, and how!

In Russia there is Stalin. In Italy there is Mussolini. In Germany there is the world's greatest dictator. In the face of all that, in the face of all the unemployment, in the face of all that the patriotic men and women of this country through their legislators have done to build a great wall around the United States, to stop the influx and the inflow of millions of aliens, we in this body are asked to open up the floodgates and to break down all the immigration laws we have made. Will we do it? So far as I am concerned, I will not do it. I shall vote against the Kerr-Coolidge bill. Insofar as my colleagues in the Senate are concerned, I

know not what their votes will be; but in reference to dictatorship and communism, Stalin, Hitler, and Mussolini, I desire to say that we are asked in this bill to designate a dictator in the form of Colonel MacCormack to pass upon the judgment of the judges who try the cases of aliens who violate our laws and become mandatorily deportable under our laws.

Let us see, Mr. President. The proponents of the Kerr-Coolidge bill ask us by our votes to change the present immigration law of this country. There is today a list of 2,862 aliens, not citizens, persons who have never made application to become citizens, 98 percent of whom slipped into this country, stole into this country, and remain here in violation of our law. The proponents of this bill ask us to do what? To change our immigration law. Why? So that these 2,862 aliens who are now subject to deportation may stay here amongst us; but that is not all. If the Members of the Senate will read the bill carefully, they will find that it is proposed under the bill to create an interdepartmental committee, to be composed of a representative from the Department of Labor, one from the Department of State, and one from the Department of Justice. The advocates of the bill ask us to break down our present laws and give the interdepartmental committee the power of a czar, the power of a reviewing board, the power to say whether or not an alien who has slipped into this country in violation of our laws shall now be deported, as he is now deportable, or whether he shall be allowed to stay here.

Some of the cases in the Department of Labor have been classified into classes 1, 2, 3, and 4. I have read some of them—2,862 of them. I think this body ought to assume, and not hesitate to assume, the responsibility of saying whether or not these persons have violated the law. The Immigration and Naturalization Service admit that these persons have violated the law and that under the present law they are subject to deportation; but Colonel MacCormack wishes to keep them here!

Inquiry has been made of me as to whether I would not be willing to let Colonel MacCormack pass upon these cases. Why, certainly not, because I have brought to the attention of the Senate a number of the cases, and I have a hundred more here to bring to the attention of this body, and gladly would I do it were not my time limited; but today I proclaim to the tobacco farmers of North Carolina, thousands of them, that their bill would not have gotten through the Senate on yesterday if I had not made the supreme sacrifice by agreeing to limit to 3 hours my argument on this un-American bill. I had to stand behind the home folks, however, the growers of that tobacco which the Senator from Missouri [Mr. CLARK] necessarily admitted, in a colloquy with me yesterday, is the best tobacco on the face of the earth.

I will say to my good friend the Senator from Virginia [Mr. BYRD] that I am always delighted to proclaim the wonders and the greatness of my State of North Carolina, and I know he is not at all surprised, because we are bedfellows insofar as States are concerned.

Mr. President, I wish now to read a letter from a true American. I should like to read it all. I have received thousands of letters from persons all over the country, but here is one that I picked out to read. It came just this morning:

PHILIPSBURG, N. J.

MY DEAR SENATOR REYNOLDS—

The first paragraph praises me. I am going to eliminate that paragraph for fear somebody will think I am heaping upon my own shoulders praise which I do not deserve. It is my duty here to protect the interests of American citizens first, after which I shall give my sympathies to the aliens who have slipped into this country, who have violated our laws since they have been here, who have been fed by the taxpayers, and who are usurping the jobs of the American unemployed.

MY DEAR SENATOR REYNOLDS—

I hope and pray that no representative of our people would ever vote "yes" to such a bill as the Kerr-Coolidge bill.

I wish to say to the Senators who honor me with their presence at this time that we are expecting to vote upon the bill in a few minutes. I have a motion to recommit the bill to the Committee on Immigration for further consideration.

This bill is unsuitable to all Americans, both native-born and naturalized. The Kerr-Coolidge bill takes the precious jewel of American citizenship and changes it to the status of a 10-cent-store diamond.

I have talked to many citizens in my town. These people were of all races and religions. They all agree that the Kerr-Coolidge bill would cheapen citizenship by making illegal aliens citizens of our country, and protecting from deportation those who have sneaked into the country.

That is what the honorable foreign-born citizens of this country are protesting against, the persons who have come in here legally, the foreign-born persons who have contributed to the upbuilding of America.

Mr. ADAMS. Mr. President, it seems to me the Senator is entitled to have the first paragraph of the letter read. I ask that the Senator read it.

Mr. REYNOLDS. I appreciate that suggestion immensely, Mr. President; and I should be glad to read the first paragraph of the letter but for the fact that it would take too much of my time. It is in praise of me, and I should rather take the time in speaking against the passage of the bill. I wish to have the Senator from Colorado know, however, that I appreciate what he has said. I know that he is for me, and I am for him, because just a moment ago I read for his information a dispatch from his great State of Colorado, with its lovely Garden of the Gods, its Pike's Peak, its Rocky Mountain National Park, and its great civic center. I read a dispatch in regard to the Governor of the Senator's great State calling out the militia to patrol the borders of the State, and to keep from the confines of the Senator's Commonwealth aliens who are usurping the jobs to which Americans are entitled.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield only for a brief question.

Mr. DAVIS. I suggest to the Senator from Colorado that after the time of the Senator from North Carolina shall have expired, he ask the Senator from North Carolina to read the letter.

Mr. REYNOLDS. Yes; I shall be glad to do so; and I also should like to read again, after my time shall have expired, the dispatch to which I have referred.

Mr. President, the writer of this letter is still speaking of the Kerr-Coolidge importation bill:

This bill is unfair to our naturalized citizens who have come by honorable means into our country. These people worked hard for their American citizenship. They do not wish—

To whom does she refer when she says "they"? She is talking about the foreign born who have come into this country legally and obtained citizenship and are contributing to the upbuilding of our country:

They do not wish to see it (the citizenship) cheapened by conferring citizenship upon people who did not earn it—

By entering the country legally.

The Reynolds-Starnes bill will solve the immigration problem.

That is what she says.

Mr. President, I should like to ask the clerk how long I have spoken this morning.

The PRESIDENT pro tempore. The Senator has 24 minutes remaining.

Mr. REYNOLDS. I desire to read a letter which I have received only this morning, dated Mayflower Hotel, Washington, D. C., April 17, 1936, addressed to me, and reading:

Enclosed herewith is copy of resolution adopted by the National Society, Daughters of the Founders and Patriots of America, at their thirty-eighth general court held in Washington April 15 and 16.

I hand to the Official Reporter a copy of resolution entitled "Resolution No. 10" and termed "Alien registration", copies of which have been sent to Colonel MacCormack, the Senator from Massachusetts, Mr. Coolidge, Representative Dickstein,



and Representative Starnes, and I ask that the resolution be published in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

#### ALIEN REGISTRATION

Whereas it is reliably estimated that there are 7,000,000 aliens in the United States, at least half of them illegally; and

Whereas lack of knowledge of such aliens makes it almost impossible to deport alien criminals; and

Whereas it is in the interest of the foreign-born in this country, as well as the native citizens, to have aliens identified: Now, therefore, be it

Resolved, That the Thirty-eighth General Court of the National Society of Daughters of Founders and Patriots of America urges Congress to establish an alien-registration bureau, whose duty it shall be to register and fingerprint all aliens in the United States; be it further

Resolved, That copies of these resolutions be sent to Col. Daniel W. MacCormack, Commissioner of Immigration and Naturalization; Hon. Marcus Coolidge; Hon. Robert R. Reynolds; Hon. Samuel Dickstein; Hon. Joe Starnes.

Mr. REYNOLDS. Mr. President, let me refer at this time, but briefly, to the patriotic organizations which are opposed to the passage of the Kerr-Coolidge bill. I wish now to read a letter from the President of the American Federation of Labor, dated April 21, 1936, signed by William Green, addressed to me. It reads:

The American Federation of Labor is opposed to section 3 of the Kerr-Coolidge bill.

That is the section which creates an interdepartmental committee and gives them the power to make the laws of our country, taking the mandatory power from this body. That is the section around which the whole bill has been builded. The elimination of section 3 would automatically destroy all of the Kerr-Coolidge bill, which consummation is desired by the American Federation of Labor.

The letter continues:

I wish to emphasize very strongly our unyielding opposition to section 3 in its present form. We hope and trust that this section of the Kerr-Coolidge bill will be decisively rejected.

Mr. President, let us see what the American Federation of Labor has to say about its immigration policy. I cite Senators respectfully to page 140 of the report of the executive council of the American Federation of Labor. Upon the folder containing it there are printed the words, "Held at Atlantic City, N. J., October 7 to 19, inclusive, 1935." The title of the paragraph to which I refer is "Immigration", starting on page 140 and running through the second paragraph on page 141. I ask that that be embodied in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Immigration: The policy of the American Federation of Labor regarding immigration legislation has been vigorously upheld. We have jealously guarded the immigration statutes which were passed at previous sessions of Congress. All attempts to weaken or modify these immigration statutes have been opposed and resisted by the officers and representatives of the American Federation of Labor. Measures dealing with immigration and immigration restriction were introduced at the recent session of Congress.

One of these measures of special importance was H. R. 8163, introduced by Congressman KERR, at the request of the Commissioner of Immigration. There were sections and features of this immigration bill which were objectionable to the American Federation of Labor. For this reason, objections to consideration of the bill were interposed by representatives of the American Federation of Labor. Conferences were held between a committee representing the executive council, the Commissioner of Immigration, and his representatives in an endeavor to redraft the objectionable sections of this bill. No agreement was reached; consequently, the American Federation of Labor has remained firm in its opposition to the enactment of this bill.

The Kerr bill has been characterized as a "deportation" bill. It is the opinion of the executive council that it is designed to liberalize the deportation sections of existing immigration statutes. The measure was given support by those we have always known to be opposed to restrictive immigration statutes.

A companion measure to the Kerr bill was introduced in the Senate by Senator COOLIDGE. The measure has simply remained on the Senate calendar without any action whatsoever. Strong opposition to the measure was manifested by a very large number of Members of the United States Senate.

In conformity with the traditional policy of the American Federation of Labor, it is the purpose of the executive council to do all that lies within its power to strengthen and perfect restricted immigration legislation rather than to modify or weaken existing statutes.

Mr. REYNOLDS. Mr. President, I take pleasure in calling to the attention of this honorable body page 851 of the same report in reference to the Kerr-Coolidge bill, where it is stated:

Because the Kerr bill contained provisions which, in the opinion of the officers of the American Federation of Labor, weakened the immigration laws already enacted through the efforts of the American Federation of Labor, it was opposed in the form and character in which it was presented. The American Federation of Labor deserves to be commended for preventing the enactment of the Kerr bill, as proposed, into law and for zealously guarding the immigration statutes which this bill sought to modify. A subcommittee of the executive council conferred with the Commissioner of Immigration and Naturalization, who drafted this measure, and proposed amendment which if accepted would serve as a remedy for the features of the act which were highly objectionable. It is the unalterable purpose of the American Federation of Labor to oppose the enactment of this measure until it is amended and made acceptable to the representatives of labor.

Mr. President, I bring to the attention of the Members of this honorable body a letter addressed to me under date of March 31, 1936, by Theodore G. Holcombe, executive secretary of the Immigration Restriction League, of Boston, Mass., together with remarks with regard to the position of his league upon this all-important subject. The letter is as follows:

IMMIGRATION RESTRICTION LEAGUE,  
Boston, Mass., March 31, 1936.

HON. ROBERT R. REYNOLDS,  
United States Senate, Washington, D. C.

MY DEAR SENATOR REYNOLDS: We understand the Kerr-Coolidge bill (S. 2969) has been reported with amendments, but from the sketchy reports that have appeared in the press it does not seem that the amendments are satisfactory.

I hope that you will be able to secure substitution of your bill for the Kerr bill when it comes up in the Senate. We need some adequate and comprehensive legislation such as that in the Reynolds-Starnes bill (S. 4011) that will really strengthen our immigration and deportation policies, while at the same time making provision for really legitimate "hardship cases", if they exist, instead of legislation that snipes at the present policies and undermines them by indirection.

The basic objection to the Kerr bill is, of course, the discretionary features. We feel very definitely that if there are any cases in which discretion appears to be justified, that discretion to deport or not to deport should be vested solely in Congress, acting through special remedial legislation. Deportation of criminals should be mandatory, with any possible exceptional cases handled by Congress in the same manner as a hardship case.

Sincerely,

THEODORE G. HOLCOMBE,  
Executive Secretary.

I am also glad to bring to the attention of the Members of the Senate a letter directed to me under date of March 31, 1936, by the president of the American Coalition, in which that organization, representative of 110 different patriotic American organizations in this country, has gone on record as being against the passage of the pending bill. In this letter the president of the organization sets forth specifically the opposition of the Coalition to each and every paragraph of the Kerr-Coolidge bill. I ask that the letter be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COALITION,  
New York City, March 31, 1936.

HON. ROBERT R. REYNOLDS,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The latest revision of the Kerr-Coolidge bill is wholly unsatisfactory to the American Coalition, and I submit for your consideration the following specific comments on its most objectionable features:

Section 1, subsection 2, grants an amnesty to all alien habitual criminals in the United States who have escaped conviction for an offense involving moral turpitude in the last 5 years, although the civic authorities are aware that a multitude of such aliens continue to prey on the communities in which they live. This fact is conclusively proved by the criminal records of 235 alien habitual criminals arrested within a period of 15 days in 2 of our large cities. (See Memorandum of the Commissioner of Immigration, published 1934.) Under the provisions of this subsection of section 1 an alien habitual criminal can escape deportation for an



indefinite period by having cases against him not pressed, pleading guilty to a lesser offense, by pardon, or release on bail which can be jumped. Furthermore, if political influence fails to secure escape from deportation by any one of these methods, a suspended sentence or imposition of a fine will subject the alien to deportation only if the Commissioner of Immigration believes his expulsion to be in the public interest. By the retention of time limitations and the discretionary power to stay deportations where a sentence to imprisonment is not imposed, every possible inducement is offered for the exercise of political influence against the interests of justice by corrupt or supersentimental individuals in or out of public office. In our judgment every alien criminal who is allowed to remain in the United States is not only an ever-present menace to the community in which he lives but he also constitutes a potential contributor of untold generations of social defectives to public institutions supported by the taxpayers. May we conclude comment on this subsection by stating that the Commissioner of Immigration has on many occasions pointed out the vice of time limitations in our existing statutes, but, to our knowledge, he has never mentioned the fact that this pernicious limitation on the power to deport was embodied in the Kerr-Coolidge bill. (See H. Doc. 392, 74th Cong., 2d sess., p. 4.)

Section 1, subsection 3 still requires the Government to prove that the inducement of gain impelled an alien to aid or assist another alien to enter the United States in violation of the immigration laws. An alien habitual smuggler detected for the first time may easily frame a successful defense against deportation under this section. However, in our opinion, the worst feature of this section lies in the fact that it would obviously be impossible to secure a conviction for a conspiracy to commit an offense of this character against the United States, if Congress establishes the principle that an alien smuggler may escape deportation following conviction of the alien charged with illegal entry. The obvious purpose of this subsection is to exempt an alien relative from punishment as an accessory to the crime of illegal entry by a member of his or her family. It has never been established as a principle of law, so far as we are aware, that a citizen accessory before or after the fact may be accorded exemption from the usual penalties imposed for a conspiracy to commit a crime because the Government cannot prove that an offense was committed for gain. We hold that it is against the public interest that aliens should be placed in a favored category in respect to the commission of crime.

Section 1, subsection 4: We object to the 5-year limitation on the grounds set forth under subsection (2) of this section and the accord of complete discretionary power to the Commissioner of Immigration.

Section 2. The amendment to section 2 we do not find acceptable. We do not see any reason why an alien convicted of crime should be accorded 90 days for the mobilization of political influence whereby deportation proceedings may be stayed. It is now 30 days.

Section 3 is the blanket amnesty clause accorded aliens who violate our immigration laws. This section differs from S. 2969 chiefly in the limitation of its effect to 3 years after the date of passage of the bill. It would probably be difficult to find an illegal entrant who might not be brought within the scope of the possible exemption from deportation afforded by the provisions of this section. The adoption of a child would appear to cover any doubtful case which might arise. The American coalition holds that the theory on which this section is based tends to bring all our laws and law-enforcing agencies into contempt, here and abroad. Illegal entry is a crime. Restriction upon immigration into the United States can only be maintained if our laws are enforced with vigor, certainty, and without favor. To condone the offense of illegal entry is not merely to breach the immigration laws; it is to tear them up.

Section 4, subsections (a) and (b), in our opinion, are wholly contrary to the public interest and extremely unjust to aliens who seek to enter the United States for permanent residence, in accordance with the regular procedure set forth in the immigration statutes for the examination of aliens abroad.

Section 5. The American Coalition objects to the provisions of this section not only on the ground that it grants amnesty to an unknown number of aliens who illegally entered the United States, but also because through the legalization of their entry, it will materially expand the migration of relatives who may enter nonquota upon a grant of citizenship to the alien who illegally entered. While it is recognized that the records of entry prior to the passage of the Immigration Act of 1924 are in some cases not complete, there is no justification for a grant of this exemption in the absence of knowledge as to the number of aliens now in the United States. There is, furthermore, the objection to this section that illegal entrants since 1924 may readily, by collusion and perjury, claim admission prior to 1924 and thereby secure legalization of their status, which would otherwise be contrary to the public interest. The provisions of this section unquestionably, if adopted, will increase immigration into the United States, notwithstanding the apparent limitations set forth in section 6. Any estimate of the number of persons who would be charged to the quotas under the provisions of section 6, as a result of the legalization of entries under the provisions of this section, would be a pure guess, and as a logical sequence any estimate of the number of nonquota immigrants who would come into the United States, as a result of the legalization of the entry of illegal entrants under this section, would be wholly imagina-

tive. The only possible justification for the adoption of the principles embodied in this section would be as a result of a comprehensive registration of all the aliens in the United States.

#### SUMMARY

To sum up, the American Coalition holds that the deportation bill, as reported last Saturday, is wholly in the interest of thousands of alien habitual criminals convicted of crime in the United States and also for the benefit of alien criminals who have violated our immigration laws through the commission of perjury, counterfeiting, impersonation, or who by other illegal means or devices entered the United States.

In conclusion, allow me to express the hope that the Reynolds-Starnes bill, which has been endorsed without qualification or reservation by the American Coalition, may be substituted for the bill reported out by the Immigration Committee of the Senate.

Respectfully yours,

JOHN B. TREVOR.

Mr. REYNOLDS. Now, Mr. President, I desire to call attention to a letter written by Hon. Ray Murphy, national commander of the American Legion. This letter is dated March 30, 1936, and reads:

In re Kerr-Coolidge bill.

MY DEAR SENATOR: On March 16, 1936, I addressed a letter to you setting forth the objections of the American Legion to the Kerr-Coolidge bill. I have had called to my attention S. 2969, which, it is my understanding, will be brought before the Senate for its consideration on Wednesday, April 1.

This proposed substitute is in practically the same language as the original Kerr-Coolidge bill and, in my judgment, does not strengthen it in any particular whatsoever so far as the alien problem is concerned.

Ray Murphy, the national commander of the American Legion, continues:

#### Section 3—

The one objected to by the American Federation of Labor—

is the clause which accords aliens blanket amnesty who violate our immigration laws, and is practically the same as that contained in the original bill except that its effect is limited to 3 years after the date of passage. Such a provision (as set out in section 3) could be easily extended by Congress indefinitely.

#### Listen to this:

There is, however, before the Senate for its consideration the Reynolds-Starnes bill (S. 4011), which carries out in detail the recommendations of the American Legion upon this very subject. I hope, therefore, Senator, that you will oppose vigorously the proposed amendment in the nature of a substitute; and that the Senate will not pass the Kerr-Coolidge bill or this substitute for it, but that the Senate will take up for consideration and enact into law the Reynolds-Starnes bill.

Mr. President, I have here also an insert which I occasioned to be put into the CONGRESSIONAL RECORD some days ago, showing that the American Legion in their annual convention went on record as recommending:

1. Halting all immigration for 10 years.

My bill calls for cutting it down from 153,000 annually to 15,000.

2. Immediate deportation of all alien-born persons who are members of any society, group, or organization that proposes to overthrow the Government by force or violence.
3. Immediate deportation of all destitute aliens.
4. Immediate deportation of all aliens who have entered this country illegally.

The American Legion demands that aliens who are in this country illegally, and who are usurping the jobs of poor, unemployed American citizens, be deported. But what do we find? We find Colonel MacCormack, of the Immigration Department of this Government, throwing his fist in the face of the thousands of the sons of America who saved our country for Christianity and democracy, saying, "No; we will not listen to you. What have you done for this country? What have you to do for this country?"

I say it is an insult by Colonel MacCormack to the American Legion, I say it is an insult by Colonel MacCormack to the Veterans of Foreign Wars, to the Disabled Veterans of the World War, an insult to the thousands of mothers constituting the list of delegates to the Daughters of the American Revolution who are assembled in this city today, an insult to American motherhood, an insult to American womanhood, an insult to every soldier who defended his flag, an insult to



the 12,625,000 people who are out of employment in this country today.

I proceed with the reading:

5. Compulsory fingerprinting of all persons residing in the United States.

My bill calls for compulsory fingerprinting of all in the United States.

I next bring to the attention of the Senate a letter directed to me by the national secretary of the Sons and Daughters of Liberty, of Philadelphia, Pa., together with a resolution adopted by that order in opposition to the passage of the Kerr-Coolidge bill. I ask that the letter and resolution be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and resolution are as follows:

NATIONAL COUNCIL, SONS AND DAUGHTERS OF LIBERTY,  
Philadelphia, Pa., March 14, 1936.

HON. ROBERT R. REYNOLDS,  
Senator, Washington, D. C.

DEAR SIR: As national secretary of the National Council, Sons and Daughters of Liberty, I desire to say to you that our organization of 85,000 Americans desire to go on record as being opposed to the Kerr-Coolidge bill in every particular.

We as an organization believe that this bill makes it easier for aliens to come into this country and remain. It further exempts deportation of many aliens that should be deported.

At our last national council session, held September 1935, they adopted the enclosed resolution. No doubt you, as one of our United States Senators, received a copy of it before, but we take pleasure in enclosing another copy.

Wishing you success in your fight to keep America a fit place for Americans to live, I remain,  
Yours sincerely,

MATTHEW KENNEY,  
National Secretary.

PHILADELPHIA, PA., January 20, 1936.

Members of the United States Senate and House of Representatives,  
Washington, D. C.:

The National Council, Sons and Daughters of Liberty, in annual session, adopted the following resolution, and instructed the writer, as national secretary, to send copy to you:

#### Resolution

Whereas the session of Congress which recently closed failed to take any action upon the several important bills presented which had for their object the enactment of laws providing for more stringent enforcement regarding restriction of immigration and the deportation of aliens, many of whom, although they have been living here for years, have never made any effort to become citizens by adoption, are today being supported by our taxpayers, while many native-born American men and women are in want through such a condition; and

Whereas much of this laxity has been caused through the seemingly indifference of Secretary of Labor Frances Perkins and her associates, whose records pertaining to enforcement of the present deportation laws show a decrease of more than 40 percent of these undesirable aliens being deported as compared with the record of her predecessor, and even at this present time she is harboring, in defiance of the laws, several thousand of these deportable aliens: Therefore be it

Resolved, The National Council, Sons and Daughters of Liberty, representing a membership of upward of 100,000, located in 23 States, in annual session at Atlantic City, N. J., this 11th day of September 1935, wish to protest against this persistent violation of the laws now in force for the protection of the land of our birth by Secretary Perkins and assistants, and that steps be taken at the session of next Congress to enact laws which will remedy conditions now existing and protect our country from the many evils now threatening our liberties and our American ideals and institutions; and be it further

Resolved, That the national secretary send to President Roosevelt a certified copy of this resolution and a copy given to the press, and next January 1936 a copy mailed to every Member of the United States Senate and House of Representatives at Washington, D. C.

Yours very truly,

MATTHEW KENNEY,  
National Secretary.

Mr. REYNOLDS. I now bring to the attention of the Senate a letter written by the National Society, Daughters of the American Revolution, the Daughters of the Patriots of 1776, the letter being dated March 16, 1936, and signed by Mrs. Paul Scharf, committee secretary. I ask that the letter, which is in opposition to the Kerr-Coolidge bill, be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION,  
March 16, 1936.

Senator REYNOLDS,  
United States Senate, Washington, D. C.

MY DEAR SENATOR REYNOLDS: The president general has referred to this committee your request for information regarding our objections to the Kerr-Coolidge bill.

The expressed purposes, to deport criminals not now deportable and to provide leniency for certain hardship cases, have a strong appeal. We, however, are convinced that the passage of this bill would put a premium on illegal entry into the United States to the disadvantage of the law-abiding alien awaiting his turn on the quota of his country, that it would substitute rule by political appointees for law and thereby further break down respect for law.

We want a law that persons know is going to be enforced. Hardship cases involving pure technicalities should be brought by the Bureau of Immigration to the Congress of the United States for special legislation.

We object to section 3 in its entirety because of its provision for discretionary power in the hands of three appointees to set aside the law of the land. It is time for persons to know that the law is going to be enforced in whatever field it pertains.

That phase of this bill which is called a strengthening of the law by permitting the deportation of persons not now deportable is also discretionary and so is not a strengthener at all. In its present form this bill's only promise for the future is confusion, wire pulling, and further disrespect for law. Why should public officials be subjected to this performance? Let's have a law that is law.

It would appear that this bill might be amended so as to remove its discretionary phase, make provision for changing the status of certain nonquota aliens while extending the present law to include certain aliens not now deportable.

The National Society, Daughters of the American Revolution has for a period of years endorsed legislation to restrict quotas to 10 percent of those provided by the present law (only temporarily held to this figure by Executive order for the period of the depression), to provide extension of restriction to the countries of the Western Hemisphere and to provide registration of aliens.

We have sent you a copy of our National Defense News for January and expect to have a representative at the hearing of the Starnes bill before the House committee on Wednesday.

Sincerely yours,

MADELEINE SCHARF,  
(Mrs. Paul Scharf),  
Committee Secretary.

Mr. REYNOLDS. Mr. President, I now bring to the attention of this honorable body a letter, dated March 12, 1936, directed to me by Col. George E. Ijams, commander in chief of Military Order of the World War. That order is in opposition to the Kerr-Coolidge bill, and says it is a vicious bill. In connection with the letter, which I ask to have printed in the RECORD at this point, I also ask that several resolutions be printed, and also a second letter from Colonel Ijams, dated April 1, 1936, and resolutions of the Military Order of the World War dealing with aliens and resident identification.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters and resolutions are as follows:

MILITARY ORDER OF THE WORLD WAR,  
Washington, D. C., March 12, 1936.

HON. ROBERT R. REYNOLDS,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR REYNOLDS: The Military Order of the World War is unalterably opposed to the Kerr-Coolidge bill, as it is in direct conflict with the resolutions adopted on this very specific subject by national conventions of our order over a period of years. Our legislative committee has so expressed these views at a hearing, not only this year but in previous years, before congressional committees. We have urged that our representatives in Congress defeat such measures when they come before them for consideration and vote.

We repeat now what we have previously testified, namely, that we feel that the whole basis of immigration restriction, which we have been so diligently fighting for these many years, either stands or falls upon the action on the Kerr-Coolidge bill. We feel that if the Kerr bill is passed deportation laws are nullified. We feel that we should either have a restrictive law, or, if we do not mean what we say by such laws, then we should relegate them to discretionary powers, which is really nullification, and invites favoritism, political influence, lobbyism, intrigue as a basis of our national immigration policy rather than a law of the land.

We are taking the liberty of enclosing herewith resolutions adopted at our last two annual national conventions on this particular subject. You will note that they specifically urge the following:

- (1) Restrict immigration by 90 percent.
- (2) Registration and finger-printing of immigrants and resident aliens.



(3) Immediate deportation of those illegally in this country and those convicted of crime.

(4) Immediate survey of relief rolls to ascertain the above information.

(5) There is no compromise by discretionary powers or otherwise.

Very sincerely yours,

GEORGE E. IJAMS,  
Commander in Chief.

#### 1934 CONVENTION ALIEN ACTIVITIES

Be it resolved, That the Military Order of the World War in fourteenth annual convention assembled in Miami, Fla., October 14-17, 1934, urge the following:

1. Restrictive immigration policy reducing our quota by 90 percent and to include in quotas all countries whose citizens are now permitted to acquire citizenship in the United States.

2. Registration, finger-printing, and other physical identification of all immigrants and resident aliens.

3. Early naturalization of those intending to make the United States their domicile for any appreciable time, but that no one be naturalized who refuses to take the oath of allegiance and service to the United States of America in time of emergency and without reservation.

4. Immediate deportation of all aliens illegally in this country and also any who have been found guilty of seditious or riotous propaganda or who have been convicted of any crime.

5. Exclusion and expulsion from the United States of America of all alien Communists. Be it further

6. Resolved, That Congress be urged to pass an act making the Communist Party or any other party, organization, or association advocating the overthrow of the United States Government by force and violence, or any other unconstitutional means, a criminal organization and provide adequate penalties for those convicted of belonging to any such organization, or who individually advocate such activities; be it further

Resolved, by the Military Order of the World War in fourteenth annual convention assembled at Miami, Fla., October 14-17, 1934, That this organization will lend its active support toward the enactment of legislation which will authorize the Department of Justice to investigate revolutionary propaganda and communistic activity in the United States.

#### DEPORTATION OF ILLEGALLY ENTERED ALIENS

Whereas the Government of the United States of America is spending large sums of money to provide employment, to care for transients, and for other purposes; and

Whereas the money expended therefor must be made available through taxation; and

Whereas it is reliably reported that there are vast numbers of aliens in our country who have had no legal right of entry into the United States; and

Whereas many of these illegally entered aliens are receiving aid and assistance from the Federal Government: Now, therefore, be it

Resolved, by the Military Order of the World War in national convention assembled in Miami, Fla., October 14-17, 1934, inclusive, That it urges the Federal Government to immediately cause a survey to be made of all persons receiving aid or assistance through public funds and to ascertain whether all of these persons are citizens of the United States of America; and be it further

Resolved, That we urge all those found to be illegally entered aliens be immediately deprived of aid or assistance from public funds and that they be deported at once, thus relieving the taxpayers of the United States of the necessity for supporting these aliens.

We further urge that a similar survey be made in the cases of all persons charged with crimes and misdemeanors and that any such persons found to be illegally in this country be immediately deported.

#### 1935 CONVENTION

##### RESIDENT IDENTIFICATION

Whereas all residents of the United States, native born or naturalized, are obliged to register before voting: Therefore be it

Resolved, That it shall be obligatory for all aliens to so record themselves, and such identification to include fingerprinting and other necessary physical identifications; be it

Resolved, by the Military Order of the World War, in national convention assembled at Atlantic City, N. J., September 15 to 18, 1935, That it demands a carrying out of the purport of this resolution.

##### ALIENS

Be it resolved by the Military Order of the World War in fifteenth annual convention assembled at Atlantic City, N. J., September 15 to 18, 1935, That it stands firmly for the following objectives:

1. Deportation of aliens found guilty of preaching, urging, or otherwise abetting the overthrow of the United States Government by force or otherwise.

2. Early naturalization of those intending to make the United States a domicile for any appreciable time.

3. Immediate deportation of all aliens illegally in this country and any aliens who have been found guilty of seditious or riotous propaganda or who have been convicted of any crime, and the expulsion and exclusion from the United States of all alien Com-

munist or those whose questionable activities or tendencies are not in accord with our constitutional background, and a policy that will include all Americans in employment to the exclusion of others.

MILITARY ORDER OF THE WORLD WAR,  
Washington, D. C., April 1, 1936.

Senator ROBERT R. REYNOLDS,  
Senate Office Building, Washington, D. C.

DEAR SENATOR REYNOLDS: I hasten to respond to your letter of March 31 and to say that the King amendment, known as S. 2969, submitted in the nature of a substitute to the Kerr-Coolidge bill, has not changed the attitude of the Military Order of the World War toward the entire proposition. May we take the liberty of referring to you the two resolutions adopted at our last national convention, which calls for the immediate deportation of all aliens from this country.

Very sincerely yours,

GEORGE E. IJAMS,  
Commander in Chief.

##### ALIENS

Be it resolved by the Military Order of the World War in fifteenth annual convention assembled at Atlantic City, N. J., September 15 to 18, 1935, that it stands firmly for the following objectives:

1. Deportation of aliens found guilty of preaching, urging, or otherwise abetting the overthrow of the United States Government by force or otherwise.

2. Early naturalization of those intending to make the United States a domicile for any appreciable time.

3. Immediate deportation of all aliens illegally in this country and any aliens who have been found guilty of seditious or riotous propaganda or who have been convicted of any crime, and the expulsion and exclusion from the United States of all alien Communists or those whose questionable activities or tendencies are not in accord with our constitutional background, and a policy that will include all Americans in employment to the exclusion of others.

##### RESIDENT IDENTIFICATION

Whereas all residents of the United States, native born or naturalized, are obliged to register before voting: Therefore be it

Resolved, That it shall be obligatory for all aliens to so record themselves; and such identification to include fingerprinting and other necessary physical identifications; be it

Resolved, by the Military Order of the World War in national convention assembled at Atlantic City, N. J., September 15 to 18, 1935, That it demands a carrying out of the purport of this resolution.

Mr. REYNOLDS. I further bring to the attention of the Senate a letter signed by Edwin S. Bettelheim, Jr., legislative chairman, Military Order of Foreign Wars of the United States, in which he states that he is in accord with everything in the Reynolds-Starnes bill and is in opposition to everything in the Kerr-Coolidge bill. I ask that the letter be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES,  
NATIONAL COMMANDERY,  
March 17, 1936.

HON. ROBERT R. REYNOLDS,  
Senate Office Building, Washington, D. C.

DEAR SENATOR: I am pleased to advise you that the national commandery and all local commanderies throughout the United States are heartily in favor of any bill which will include any or all of the following mandates of our order:

1. Registration of all aliens and immigrants, including fingerprinting and photographing and other recording.

2. Deportation of all aliens illegally in this country.

3. Deportation of all aliens convicted of crime or felony.

4. Reduction of immigration quotas.

5. Deportation of indigent aliens until such time as our own citizens are in employment and off relief rolls.

6. Deportation of those aliens who seek or advocate the overthrow of the Government of the United States by force or violence.

EDWIN S. BETTELHEIM, Jr.,  
Legislative Chairman.

Mr. REYNOLDS. I now ask to have printed in the RECORD at this point a resolution adopted unanimously by the Thirty-sixth Annual State Conference of the Daughters of the American Revolution of the State of Michigan. Between twenty and thirty thousand aliens cross the border annually into the State of Michigan, which is so ably represented by its two distinguished Senators [Mr. COUZENS and Mr. VANDENBERG], for whom I have the greatest affection by reason of their ability and their interest in everything pertaining to the welfare of the country. I ask that this resolution be printed in the RECORD at this point to show where the Daugh-



ters of the American Revolution of the State of Michigan stand.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution is as follows:

Resolution passed unanimously by the Thirty-sixth Annual State Conference of the Daughters of the American Revolution of the State of Michigan

Whereas the Kerr-Coolidge bill now before the United States Congress permits the naturalization after 10 years of aliens who have entered the country illegally and places the power of deportation in the hands of one person or commission instead of in Congress; and

Whereas it is difficult to apprehend and convict alien criminals without knowledge of their movements and proof of their identity; and

Whereas the Starnes-Reynolds bill will protect the rights of citizens of the United States by restricting immigration and for providing penalties for law violations: Therefore

1. *Resolved*, That the Michigan Daughters of the American Revolution give their support to the Starnes-Reynolds bill and oppose the Kerr-Coolidge bill; and

2. *Resolved*, That this society favor the registration and fingerprinting of all aliens now in the United States and of any who enter in the future.

Mr. REYNOLDS. I also ask to have printed in the RECORD a letter from B. Porter, acting secretary of the Maryland State Society, Daughters of Founders and Patriots of America, in which they go on record as supporting the Reynolds-Starnes bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

MARYLAND STATE SOCIETY,  
DAUGHTERS OF FOUNDERS AND PATRIOTS OF AMERICA,  
March 13, 1936.

Senator ROBERT R. REYNOLDS,  
Senate Office Building, Washington, D. C.:

The Maryland State Society, Daughters of Founders and Patriots of America, wishes to go on record as endorsing in every particular the Reynolds-Starnes immigration restriction, alien deportation, and registration bills, S. 4011 and H. R. 11172.

Sincerely,

B. PORTER,

Acting Secretary, Greenway Apartments, Baltimore, Md.

Mr. REYNOLDS. I have here a letter directed to me by the New York chapter of Colonial Order of the Acorn, signed by C. Wickliffe Throckmorton, chancellor, New York City, dated March 16, 1936, in which that order places itself in opposition to the passage of the Kerr-Coolidge bill. I ask that the letter be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

NEW YORK CHAPTER OF COLONIAL ORDER OF THE ACORN,  
New York City, N. Y., March 16, 1936.

Hon. ROBERT R. REYNOLDS,  
United States Senate,  
Senate Building, Washington, D. C.

DEAR SENATOR REYNOLDS: Mr. John B. Trevor, president of the American Coalition, has advised me under date of the 14th instant that you were anxious to hear from this order an expression of its views on the proposed Kerr-Coolidge bill; as chancellor of the New York Chapter of the Colonial Order of the Acorn it gives me pleasure to have the opportunity to express the objections of this order to this most objectionable bill:

1. It grants discretionary power to a proposed interdepartmental committee, to allow convicted alien criminals of the most dangerous classes to remain in the United States for purely sentimental reasons. We have had enough of this under Miss Perkins, who has for 3 years disregarded the mandatory laws directing the deportation of certain aliens. It should be stopped.

2. It grants to this committee power to allow an alien who is in the United States in violation of the law to escape deportation, if he has a relative, even by marriage or adoption, in this country. In fact, the bill aids the importation of aliens rather than the deportation. We have far too many aliens in this country already without aiding them to enter on flimsy excuses.

3. It grants broad discretionary power to the Commissioner of Immigration to permit an alien, admitted for a temporary stay, to remain in the country permanently, thus avoiding the usual strict examination required abroad, by law, for aliens seeking to enter the United States for permanent residence.

4. In my opinion the Kerr-Coolidge bill nullifies the penal provisions of the present law which was drafted to protect our country from an influx of aliens.

5. In general we are opposed to the Kerr-Coolidge bill because it is supported by Secretary Perkins, who by her actions has shown her desire to retain undesirable aliens in this country, and

by her admission of Emma Goldman, Henri Barbusse, and other well-known Communists to lecture throughout the United States and to spread the doctrine of communism freely among our citizens, has plainly indicated her radical opinions.

In closing I want to again assure you that the membership of the Colonial Order of the Acorn is unanimously against the Kerr-Coolidge bill.

Yours sincerely,

C. WICKLIFFE THROCKMORTON,  
Chancellor.

Mr. REYNOLDS. I ask to have printed in the RECORD two letters from the Military Order of the Loyal Legion of the United States, signed by the commander in chief, William Innes Forbes, in which is stated the support of that organization for the Reynolds-Starnes bill and opposition to the Kerr-Coolidge bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

MILITARY ORDER OF THE LOYAL LEGION  
OF THE UNITED STATES,  
COMMANDERY IN CHIEF,  
Philadelphia, March 23, 1936.

Hon. ROBERT R. REYNOLDS,  
United States Senate, Washington, D. C.

DEAR SIR: Consideration has been given by this order to the Reynolds-Starnes deportation bill, S. 4011, which is at this time before the Congress of the United States for its consideration and action.

The provisions of this bill bearing upon the question of emigration and deportation have, in our opinion, long been needed.

The bill fills in many inadequacies of the present law, and in periods such as the world is facing today we believe that it is highly essential that our Government have a complete and comprehensive check-up available concerning citizens of other countries, not only of those within our borders at the present time but also of those who may come in in the future.

We urge that you use your best efforts as our representative to lend your active support in having this proposed bill become a law of the land.

Respectfully submitted.

WM. INNES FORBES,  
Commander in Chief.

MILITARY ORDER OF THE LOYAL LEGION  
OF THE UNITED STATES,  
COMMANDERY OF THE STATE OF PENNSYLVANIA,  
Philadelphia, March 23, 1936.

Hon. ROBERT R. REYNOLDS,  
United States Senate, Washington, D. C.

DEAR SIR: The Military Order of the Loyal Legion of the United States, Commandery of the State of Pennsylvania, has given its careful consideration to the Kerr-Coolidge bill, H. R. 8163 and S. 2969, which interests itself in the subject of immigration and deportation. This bill, we understand, is before the Congress of the United States at the present time.

1. It is the consensus of this organization that this bill, instead of being of ultimate benefit to the welfare of the citizens of the United States, permits many exceptions to the inadequate penal provisions of the present law, which was drafted to protect our country from the influx of aliens.

2. It grants broad discretionary power to an appointive interdepartmental committee, thus this committee may, in its discretion, greatly nullify all laws governing immigration and deportation.

3. It is our opinion that the Kerr-Coolidge bill is inadequate. Strictly speaking, it would not be a law governing immigration and deportation, but a law which would create an appointive committee who would become a law unto themselves insofar as the individual question of immigration and deportation is concerned. It would permit an undesirable increase of aliens.

For the above reasons, we wish to go on record as requesting that you use your good offices to prevent this proposed legislation from becoming a law.

Respectfully submitted.

WM. INNES FORBES, Commander.

Mr. REYNOLDS. I have here a letter from the National Association of Letter Carriers, Asheville, N. C., dated March 31, 1936, in which they take their stand in support of the Reynolds-Starnes bill. I ask that the letter be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

NATIONAL ASSOCIATION OF LETTER CARRIERS,  
BRANCH No. 248,  
Asheville, N. C., March 31, 1936.

Hon. ROBERT R. REYNOLDS,  
Senate Building, Washington, D. C.

DEAR SENATOR REYNOLDS: We the members of the Asheville Branch, No. 248, National Association of Letter Carriers, having a membership of 46 and 100 percent organized, wish to express to



you our sincere appreciation and commend you upon your stand concerning foreign immigration.

We believe this bit of legislation to be a corrective of many evils and of great importance to the American laboring public. It should have the undivided support of every true American citizen.

Please keep up the good work, for we are for you 100 percent.

Very sincerely yours,

COMMITTEE ON LEGISLATION,  
CHAS. M. GARDNER, *Chairman*,  
JOHN A. REEVES, *Committeeman*,  
HARLIE FOSTER, *Committeeman*.

Mr. REYNOLDS. Letter carriers, railway engineers, conductors, firemen, brakemen, the Daughters of Patriots, the soldiers, every branch of the military in America, have gone on record as being opposed to the Kerr-Coolidge bill and in favor of the Reynolds-Starnes bill.

I bring to the attention of the Senate a letter dated April 1, 1936, from W. C. Hushing, national legislative representative, American Federation of Labor, and I ask that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., April 1, 1936.

HON. ROBERT R. REYNOLDS,  
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: Through systematic misrepresentation the Coolidge bill, S. 2969, has been placed before the people of the country as a deportation bill. The fact is that the idea behind the measure is to permit immigrants who have or will enter the country illegally to remain here. It puts a premium on illegal entry and will bar immigrants who are willing to observe the laws by securing visas abroad and coming here through legal channels.

While the advocates of the bill contend that its purpose is to permit the remaining in this country of 2,862 immigrants who entered the country illegally, the fact is it will be a permanent law and give to an interdepartmental committee and the Commissioner of Immigration and Naturalization the power to permit practically every illegal entrant to remain in the country or who enters at any time in the future. It also permits the Commissioner of Immigration and Naturalization to approve or disapprove recommendations of judges of courts regarding deportations of alien criminals. It is designated a deportation bill in order to hide its real purpose and so secure support it does not deserve.

The American Federation of Labor is very much opposed to section 3, which is the heart of the measure, and many conferences were held without avail with officials of the Labor Department in an endeavor to reach agreement on this and other features of the bill. In fact, to strike out section 3 would destroy the real purpose behind the measure. The discretionary features of the bill are very objectionable.

For complete objections of the American Federation of Labor against this bill and preceding bills of a similar nature in the House and Senate, you are respectfully referred to my testimony on pages 126 and 123 of the hearings on H. R. 9518, 9364, 9365, 9366, and 9367, which were held before the House Committee on Immigration and Naturalization on May 8, 9, and 10, 1934; also to my testimony on page 114 before the same committee on H. R. 6795 on April 9, 10, and 11, 1934; also to my testimony on page 6 before the Senate Immigration Committee on S. 2969, February 24, 1936, and my testimony on March 3 before the same committee on the same bill on page 149 of the hearings.

The objections mentioned above lie against the substitute measure offered by Senator KING on March 30.

Sincerely yours,

W. C. HUSHING,  
*National Legislative Representative,*  
*American Federation of Labor.*

Mr. REYNOLDS. Mr. President, in connection with the letter from Mr. Hushing, I also ask to have printed another letter dated April 2, 1936, from W. C. Roberts and S. P. Meadows.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 2, 1936.

HON. ROBERT REYNOLDS,  
*United States Senate.*

DEAR SENATOR: The undersigned, with Mr. W. C. Hushing, constitute the legislative committee of the American Federation of Labor. We wish you to know that we concur fully in the letter he wrote you April 1, 1936, objecting to the Coolidge bill, S. 2969.

W. C. ROBERTS,  
S. P. MEADOWS.

Mr. REYNOLDS. I also ask that a letter from the Flushing Women's Republican Club be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

The undersigned hereby certifies that she is chairman of legislation of the Flushing Women's Republican Club and that the following is a true and correct copy of a certain resolution of the Flushing Women's Republican Club duly adopted in accordance with the bylaws and recorded in the minutes of a meeting of said Flushing Women's Republican Club held on the 11th day of March 1936 and not subsequently rescinded or modified: Be it

Resolved, That we unanimously endorse the Reynolds-Starnes immigration restriction and alien deportation regulation bill, S. 4011.

In witness whereof I have hereunto subscribed my name this 11th day of March 1936.

LAVINIA F. GUNDREY,  
*Chairman of Legislation.*

Mr. REYNOLDS. I also ask that a letter from M. A. Harlan, national commander of the Disabled American Veterans of the World War, be printed in the RECORD at this point. That organization states its opposition to the Kerr-Coolidge bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows

DISABLED AMERICAN VETERANS OF THE WORLD WAR,  
Washington, D. C., April 6, 1936.

HON. ROBERT R. REYNOLDS,  
*United States Senator, Washington, D. C.*

MY DEAR SENATOR REYNOLDS: The Disabled American Veterans is determinedly in favor of the deportation of alien criminals from this country. When these foreigners sought haven on our shores, it was with the distinct understanding that they would strive to become worthy citizens. Failing in this agreement, they forfeit any right to our protection.

At any time the presence of these thousands of undesirables would be serious enough, but to have them in this country either living on crime or on the relief rolls or occupying jobs to which real Americans are entitled presents a situation that Congress should not hesitate to meet in the most aggressive manner possible.

Those really seeking to remedy this situation by affirmative action should have no hesitance in having enacted a law so unequivocal as to meet the crisis.

It is, therefore, for that reason that I am again writing you to put the D. A. V. squarely on record behind your bill for mandatory deportation rather than leaving deportation to the decision of some subordinate committee handling the individual case.

With a sincere hope that you will be successful in your present fight, I have the honor to be,  
Most respectfully,

M. A. HARLAN,  
*National Commander.*

Mr. REYNOLDS. I bring to the attention of the Senate a telegram from several organizations in Ohio endorsing the Starnes-Reynolds bill, which I ask to have printed in the RECORD at this point:

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CINCINNATI, OHIO, March 30, 1936.

Senator ROBERT R. REYNOLDS:

State Council, Ohio, Junior Order United American Mechanics; National Council, Daughters of America; State Council, Ohio, Daughters of America, endorse the Starnes-Reynolds bill and request it be given favorable consideration promptly.

John J. Weitzel, chairman, R. F. Fox, John Rolf, State Legislative Committee of Ohio Junior Order United American Mechanics; Sallie W. Lake, Virginia Stuckey, National Legislative Committee, Daughters of America; Catherine Cypher, Mary Sanson, State Legislative Committee of Ohio Daughters of America.

Mr. REYNOLDS. I have here a letter and two telegrams, as well as a memorandum, from the National Council, Junior Order United American Mechanics, Philadelphia, Pa., an organization with a membership of 500,000, stating its vigorous opposition to the Kerr-Coolidge bill. That organization is vigorously opposed to every single section in the Kerr-Coolidge bill which would open up the floodgates for immigrants to come into this country or to slip across our borders and be permitted to remain here. I ask that the letter and telegrams be printed in the RECORD.

There being no objection, the telegrams and letters are printed in the RECORD, as follows:

PHILADELPHIA, Pa., March 31, 1936.

HON. ROBERT R. REYNOLDS,  
*United States Senator:*

Please vote against the modified Kerr-Coolidge bill. It is still unsatisfactory. The Junior Order is for the Reynolds-Starnes bill.  
NATIONAL BOARD OF OFFICERS,  
JUNIOR ORDER UNITED AMERICAN MECHANICS,  
JAMES L. WILMETH, *National Secretary.*



PHILADELPHIA, PA., April 1, 1936.

HON. ROBERT R. REYNOLDS,

United States Senate.

Your letter received this morning. Substitute bill, S. 2969, too liberal in conferring power on Commissioner General of Immigration to stay deportation in subsections 2 and 4 of section 1 on grounds of public interest. Section 3 entirely too liberal in treatment of illegally entered aliens. We oppose section 4, and especially subsection 3 thereof. Section 5 does not go far enough. Compulsory registration of all aliens in the United States should be made as provided in Starnes-Reynolds bill. We oppose creation of interdepartmental committee and the delegation of so much power to the same. Please use your best efforts to defeat the original or the amended substitute, S. 2969.

JUNIOR ORDER UNITED AMERICAN MECHANICS,  
JAMES L. WILMETH, National Secretary.

NATIONAL COUNCIL,

JUNIOR ORDER UNITED AMERICAN MECHANICS,  
Philadelphia, April 2, 1936.

HON. ROBERT R. REYNOLDS,

United States Senate, Washington, D. C.

DEAR SENATOR REYNOLDS: The Junior Order United American Mechanics, a patriotic, fraternal, beneficial society, with headquarters in the city of Philadelphia, and organized councils or lodges in 42 States of the Union, with a combined and affiliated membership of approximately a half million native-born citizens, respectfully submits the following views on S. 2969, as amended and substituted, and submitted to the Senate by Senator KING, on behalf of the Senate Committee on Immigration:

#### SECTION 1

Section 1, subsection 2 should be amended by striking out all of the paragraph following the word "turpitude" in line 3 of said subsection. The amended subsection 2 will then read as follows:

(2) "has been convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude."

We submit that this change should be made for two reasons: 1. The remainder of this subsection 2 places a premium to an alien convicted of crime involving moral turpitude, whose sentence of imprisonment was arrested.

2. It leaves the deportation of such a convicted alien subject to the findings of the Commissioner of Immigration and Naturalization and then such deportation must, in the judgment of the Commissioner General, be in the public interest.

We do not believe it to be sound administrative law to permit an executive officer, such as the Commissioner General of Immigration and Naturalization to stay deportation of an alien convicted of crime involving moral turpitude, regardless of whether the sentence was imposed or not. It is his duty to enforce the law, and it seems to us that the authority to be conferred by this section should be eliminated.

Aliens convicted of such crimes should be deported without authority reposing in any executive officer to set the conviction aside, on the grounds of public interest.

We submit that subsection 3 of section 1 of the substituted bill is faulty in its provisions and should be amended as follows:

(3) "knowingly and for gain, at any time, either before or after the passage of this act, encouraged, induced, assisted, or aided anyone to enter the United States in violation of law."

We do not understand why an alien who is encouraging another alien to violate the law should be allowed or permitted to commit more than one deportable offense before being deported. The second part of this subsection 3 certainly extends to an alien, aiding or abetting another person to enter the United States, in violation of law, opportunity to commit more than one offense after the date of the passage of the act. In our judgment an alien who assists another to come into this country and to break the laws should be immediately deported, and there should be no clemency whatever extended after the passage of the act. We submit that the above amendment will make subsection 3 really worth while.

We object to subsection 4 of section 1, and especially the latter part thereof, in which the Commissioner of Immigration and Naturalization is given discretion, so far as public interest is concerned. The natural inference is that if the Commissioner of Immigration and Naturalization should find that the deportation is not in the public interest, he could then stay or stop the same. This particular part of section 4 is vague and it certainly vests in the Commissioner of Immigration and Naturalization an implied authority which could easily be abused. We suggest that all after the word "imprisonment" in the fifth line of subsection 4 be eliminated.

#### SECTION 2

We do not like that part of section 2 which immunizes pardoned aliens who have been convicted of crime. We think this is too broad. If it should be found that an alien was pardoned because of false imprisonment or for other good causes we should not object, but as it now stands all pardoned aliens who were convicted of crime would be permitted to remain in this country. We think this is entirely too broad.

We submit that section 2 is faulty, wherein it requires the Commissioner of Immigration and Naturalization to approve the recommendation of a judge of a court who has recommended

clemency for a convicted alien. It seems a strange procedure that the head of a bureau, such as that of the Immigration and Naturalization, should be permitted to pass judgment on the recommendations of courts of justice for leniency. The very least authority that should be authorized to pass upon such recommendation of the courts should be the head of the department, but certainly not a bureau officer.

We do not particularly like that part of section 2 which requires that an alien sentenced to imprisonment shall not be deported until he has served out his term. We suggest a change in this particular feature of the bill on the ground of relief to our American taxpayers. The taxpayers of the Nation are already burdened with many aliens who are in confinement in our prisons and penitentiaries for violation of the laws of this Nation.

The President made the right kind of gesture not long ago when he called out from the prisons of the Nations something like 156 convicted aliens and ordered their speedy deportation. We submit that the quicker an alien who has violated the laws of this country can be sent out the better, and if he has to forego serving term in jail or in penitentiary it will be in the interest of the taxpayers to deport him rather than to keep him here and feed him through his term of penal servitude.

#### SECTION 3

Power is conferred in section 3 upon the interdepartmental committee to permit any alien to remain in the United States who entered the United States prior to the date of the enactment of this act, and is found subject to deportation, with certain deportable exceptions, under acts of Congress cited, if the alien is of good, moral character and has not been convicted of crime involving moral turpitude. Among the specific requirements enumerated in this section are:

1. That the alien must have lived in the United States for at least 10 years.

2. Must have lived in the United States 1 year, and has living in the United States, parent, spouse, legally recognized child, or, if minor, a brother or sister who has been lawfully admitted for permanent residence or is a citizen of United States.

We are opposed to the conferring of any such power in the interdepartmental committee, because we believe it will be largely administered by the Department of Labor, and we are fearful of its abuse. Then, again, we are opposed to any alien being permitted to remain in the United States indefinitely, and especially if he has lived here 10 years and has not sought American citizenship. It is high time for such one to be deported on the ground of lack of interest or laches in taking out his papers and becoming an American citizen.

We submit that it is people like this who are taking jobs of our own Americans that belong to our own unemployed citizens. We know of no other nation on the face of the earth which would permit or allow an alien to remain unmolested for a period of 10 years without giving some account of themselves or making some show or taking some steps toward citizenship. We insist that a law should be drafted which will hereafter require permanent aliens who are here to apply for citizenship within the first 3 or 5 years of their residence in the United States.

We are opposed to this relative section, as written, because we believe it is being made an excuse for many unauthorized people to come into the United States and to remain here, thus to avoid being deported. We like the relative provision of the Reynolds-Starnes bill, but we insist that it would be conferring too much power upon the interdepartmental committee, and that this relative proposition would continue to fill our country with people who are seeking lucrative jobs rather than citizenship.

Section 3 limits the authority of the interdepartmental committee to 3 years from the passage of this substituted act. We would hail this provision with pleasure if we thought it advisable to create an interdepartmental committee. As it is, we are opposed to the interdepartmental committee because we feel it would be unwise to confer discretionary power upon such a committee to set aside sentences of courts and to pass upon cases which would practically involve the abrogation or setting aside of acts of Congress. We believe that such an executive administration would not be conducive to the public interest or the public welfare.

Section 3 (b) provides for permanent residence of any alien who is eligible to citizenship, and for whom there is no record of admission, and who has been allowed to remain in the United States by the interdepartmental committee, that he shall be recorded as admitted to the United States for permanent residence as of the date of the order permitting him to remain. Our views on this particular section are set forth hereinbefore. Instead of devising ways and means, which this act manifestly does, by which aliens may escape the plain provision of the immigration laws as to citizenship, we insist that it would be much better if the provisions of the Reynolds-Starnes bill could be enacted into law and applied in such cases as this. Let such an alien comply with the law as to citizenship and not to delegate the authority to an interdepartmental committee.

#### SECTION 4

We are opposed to the provisions of section 4, because it is not in keeping with the present immigration-quota laws. There is no good reason why a person admitted in a nonquota status should be given the preference. We contend that the present immigration laws are ample in their provision to take care of such cases, and there is no need for modification of the law by which immigration will be increased. We consider that section 4 is not necessary, and it is designed in its provisions and implications to benefit



certain classes who may or may not otherwise ever be admitted to the United States.

We object to the provisions of subsections 1 and 3 of section 4, and we are certainly opposed to the Commissioner of Immigration and Naturalization changing the status of applicants without requiring the alien to obtain an immigration visa. We make these observations as to this particular subsection 3, for the reason that it is plainly evident that this section will be made an excuse for the admission of many people, under the discretion of the Commissioner, who could not otherwise enter the United States under the present laws. No good reason or excuse has been given as to why these certain classes should be allowed or permitted easy access into the United States, unless it be that the immigration authorities are interested in seeing how many aliens they can bring into the United States with just as little trouble to the alien as possible. It seems to us there should be some premium on citizenship to aliens, but, unfortunately, such is not the case, otherwise we would not have so many unnaturalized aliens in America today.

#### SECTION 5

With reference to section 5, dealing with the registry of aliens at ports of entry, as required by existing statutes, we are opposed to the provisions in which it is proposed to extend registry to any eligible alien to citizenship where there is no record of admission for permanent residence, provided he entered the United States before July 1, 1924, and has resided here continuously since such entry, is a person of good moral character, and is not subject to deportation.

We submit that this is another attempt to railroad aliens into citizenship, and to give them privileges and immunities to which they are not entitled. The whole tenor of this section is to make it easy for an alien to cover up the defects of his admission. In our observations on this, we go back to the fundamental thought of the conflict of aliens of this class with our own American workmen. It is obvious that aliens of this class are either working or else they are on relief. If they have been in this country for a period of 12 years, and have not attempted to become citizens, it is high time for a limit to be placed upon them and for them to leave the country. The passage of this act legalizes their entry, no matter how they came.

#### SECTION 6

We do not oppose the administrative provisions carried in section 6, if this substituted act is to become a law. We do, however, object to the wholesale allowance of aliens remaining in the United States under section 3, or for aliens to be given the status of permanent residence, under section 4, or those who are registered, under section 5; we are also fearful of subsection 2 of section 6, where the Secretary of Labor is called upon to report at the end of the fiscal year, aliens who entered the United States on or after June 1, 1921, who were not charged to any quota at the time of their last entry. As we understand it, there were quota regulations in effect in June 1921, as the Burnett Immigration law was passed in 1917. If these aliens were not put to any quota and came from quota countries, then there is some violation of the law. Of course, this would not apply to non-quota resident aliens of the Western Hemisphere.

#### SECTIONS 7, 8, AND 9

As to payments under section 7 and the authority contained in section 8 for supervisory officers and employees of the Immigration and Naturalization Service issuing warrants for the arrest of aliens believed to be subject to deportation, and section 9, power of the Commissioner of Immigration and Naturalization to detain for investigation an alien whom he thinks to be subject to deportation, we have no objections. It occurs to us, however, that these provisions have been taken almost bodily from the Reynolds-Starnes bill. We would much prefer these particular sections of the law to have their original setting, where they belong, in the Reynolds-Starnes bill, and not in a cooked-up deportation bill, such as we consider this substitute.

This brief has been dictated hurriedly and without the analytical thought that we would like to give to this substitute. We do not believe that the substitute submitted by Senator KING fills the bill. What is needed is a constructive immigration and deportation bill, with claws and teeth—a bill that will cut down existing quotas or eliminate immigration entirely for a period of years—a bill that will quota immigrants from the Western Hemisphere or to put them on a reciprocal or exchange basis with our own citizens, limiting the number that may come in to the number of our own citizens who go out to the various neighboring countries.

We hope that you will be able to defeat this amendment and that the Reynolds-Starnes bill may become a surging issue and that the patriotic people, as well as the working people of America, may arouse to the terrible situation confronting them, through the million and a half alien people on relief and the more than 6,000,000 people enjoying jobs at the expense of our taxpayers and working people. It is high time that something be done, and in my judgment unless something is done to remedy this situation the people of America are going to rouse themselves and demand action.

Wishing you the best of luck, and hoping for some real, good American patriotic legislation, giving jobs to our own people and ridding our taxpayers of the terrific load under which they are struggling, I am

Respectfully yours,

JUNIOR ORDER OF UNITED AMERICAN MECHANICS,  
JAMES L. WILMETH, National Secretary.

NATIONAL COUNCIL,  
JUNIOR ORDER UNITED AMERICAN MECHANICS,  
Philadelphia, February 29, 1936.

Hon. Marcus A. Coolidge and Members of the Senate Committee on Immigration.

GENTLEMEN: The Junior Order United American Mechanics, a patriotic, fraternal, beneficial society, organized 83 years ago, in the city of Philadelphia, respectfully begs leave to submit some of the views of its membership, on Senate bill 2969 and H. R. 8163, as follows:

It is the understanding of our membership that these two bills are identical. We submit that there are certain good features to the bills in question, but there are others which are very objectionable. We are bitterly opposed to the features of the bill which confer discretionary power upon the Secretary of Labor and the interdepartmental committee to pass upon, review, and decide upon the cases of aliens who have violated the immigration laws of this country. As we understand it, not only sentences of judges of courts, but other cases of sentenced, deportable aliens would be left to the discretion of the Secretary of Labor and this interdepartmental committee, based upon what is termed "the public interest."

We submit that Congress would not be justified in conferring such power upon the Secretary of Labor as was contemplated in the original Kerr bill, and that the interdepartmental committee was substituted in the H. R. 8163. It would be a strange, anomalous situation, if acts of Congress, governing the deportation of illegally entered and criminal aliens and the sentences of courts of justice could be reviewed and set aside in what might be termed "the public interest" by such a committee. It is contrary to every good principle of administrative government, to confer upon the executive power to set aside and to review and determine cases, as proposed in this bill.

Again, we feel constrained to enter objection on the ground that the administration of the Department of Labor, in deportation matters, has been entirely too lax and loose under the administration of the present Secretary and Commissioner General of Immigration. The records of deportations for the past 2 or 3 years will amply attest the truth and verity of this statement. Deportations have decreased; in 1 year there was a falling off of something like 50 percent. We are fearful, if the power contemplated in this bill to be conferred upon the Secretary of Labor and the interdepartmental committee is granted, that the number of deportations will be still further materially reduced. As a matter of fact it would be within the power of this committee to set aside practically all sentences of deportation, except in cases involving moral turpitude and certain other exceptions.

The proposed bill requires that recommendations of judges to stay the deportation of criminals should be reviewed and approved before becoming effective. This means that a judge who has heard a case and who is entirely familiar with all the details and who submits a recommendation for leniency, shall have his recommendation reviewed by the Secretary of Labor and the interdepartmental committee. We are opposed to this, and we are also further opposed to the review of sentences of judges by the same token, where the judges do not recommend leniency. We have no authoritative statement as to the number of illegally entered or criminal aliens, where judges have recommended clemency to the Secretary of Labor, but we apprehend that there are comparatively few.

The provision of this proposed statute which permits registry of all aliens who entered before July 1, 1924, and are not subject to deportation, to be placed in the same category as aliens who entered prior to June 3, 1921, and who, under the present immigration laws, may be registered, does not go far enough. Every unnaturalized alien in the United States and everyone who comes to these shores hereafter should be registered, the same as is required of our nationals in other countries. We go further and say they should be fingerprinted as a ready means of identification and detection.

That provision of the law which permits visitors or students entitled to nonquota or preference admission to change status without leaving the country is too liberal and is therefore objectionable. There is no good reason why a student or visitor to this country should be given special advantages in order to evade and get around the requirements of the immigration laws.

We are unalterably opposed to that provision which, as stated by the Commissioner of Immigration, "provides for limited discretion to stay deportation of aliens of good character who have not been convicted of crime and who have been in this country for 10 years or have members of their family (immediate) here." Such questions as this ought to be determined in regular constituted tribunals for hearing of such cases, and the determining of the same, and not left to the discretion of a departmental committee.

It has been stated that under the provisions of this bill the number of illegally entered and dangerous alien criminals rendered deportable thereunder would be six times the number of aliens of good character whose deportation would be stayed. In the absence of specific data and statistics to support this statement, there is reasonable doubt in our minds as to the correctness of the same. We contend that not only the illegally entered and criminal aliens be sent out, but we also desire to deport unnaturalized aliens and aliens on relief. The act itself is silent as to the deportation of those who do not choose to take citizenship or those who are now a burden on relief.

It has been stated in a report of the Commissioner General that during the past 28 months deportation has been stayed in the cases of 2,862 aliens of good character, but unless some remedial legis-



lation is passed it will be necessary to proceed with their deportation. Why not proceed with it and comply with the laws? What is the reason or excuse for staying the sentence of deportation on this number of aliens, except, as has been stated, there are more than 6,000 near relatives, and that if these 2,862 are deported 3,994 dependents will, for the most part, become public charges? The same reason could be applied to our own American citizens who have received sentences for the violation of laws of this country. It is not the practice or custom of the American people or the Congress of the United States to extend immunity, through legislative enactment, to stay the sentences of our own citizens. Why should we be so anxious to do the same thing for illegally entered or convicted aliens?

By reference to the Senate committee print of letter from the Commissioner General of Immigration we note where numerous exceptional cases are cited. There are some 14 or 15 cases cited therein. It is a well-established rule of procedure that the exception is never taken as the rule. There are innumerable cases in the conviction of our own American citizens in this country where it works a hardship on his family. We recall a case which came under our own observation, of a reputable American citizen who committed a crime and fled to a distant city, remaining in his new domicile for 26 years, married, raised an honorable family, and lived an exemplary life. He was detected, arrested, and returned to the city where the crime was committed, and underwent trial. Shall we argue that because of this hardship of one of our own citizens he should not have been made to pay the penalty of his crime? We think not. The same reason applies to these few individual, exceptional cases which the Commissioner General uses to bolster his argument in favor of S. 2969 and H. R. 8163.

There have been many conflicting statements appearing in governmental statements and the public press as to the number of unnaturalized aliens in America, the number on relief, and the number of illegally entered, criminal aliens here at this time. Regardless of these conflicting statements, we submit that in such times of unemployment and relief as we are now undergoing, and have been experiencing for the past few years, that the alien people resident here should be gradually eliminated and sent back to the countries whence they came. It is our understanding that in the main this is the policy pursued by other nations so far as American nationals are concerned. There appears to be no good reason why, in times of stress, the American taxpayer should shoulder the burden of providing for an alien who is here in distress, and there certainly is no good reason why any unnaturalized alien should be given the privilege and benefits of employment while our own American citizens are walking the streets, seeking work, to feed their hungry families.

A great deal has been said and written, and particularly by the Commissioner General of Immigration, about averting some of the cruel and unnecessary hardships incident to the administration of present deportation acts, and especially those resulting in the separation of families. We submit, gentleman of the committee, that the relative, nor any other sentimental reason, should not be the influencing factor to secure this legislation. As a matter of fact, many aliens, illegally entered, have married as a means of covering up their violation of the law. If the relative proposition is to be the deciding factor, now and hereafter, then the question will never be settled in the interest and to the satisfaction of the American workingman.

We submit further that an alien on relief is a public charge, and under the present immigration laws is subject to deportation. We also submit, in all fairness, and as a means of comparison, that when our own citizens violate a law of the State or Nation they are tried in our courts of justice, regardless of any relatives or family connection. It is not clear, then, why immunity should be granted to an alien who has violated our immigration laws simply on the grounds that he may have come here and married, or that he may have come here to join other members of his family or relatives. In the administration of justice and the enforcement of law the question of human relationships cannot be made the determining factor, and we submit that it should not be given undue prominence, which some of the officials charged with the enforcement of the immigration laws are seeking to give it in settling this question. What is needed is a strict enforcement of our immigration laws. There should be no letting down of the bars, but a rigid enforcement, with the patriotic view in mind that we owe our first allegiance to our own American citizens. They are entitled to the jobs and employment which our factories and industries have to offer. Furthermore, the burden of providing relief should be lightened upon the American taxpayer by sending all aliens on relief back to their own countries.

It has been stated that during the depression 1,500,000 aliens have been, at one time or other, on relief. We submit that this is unfair to the taxpayers of America to support such a burden. We cite a case of nine American citizens in France, a year ago last January, who applied for relief and employment. Some temporary relief was afforded, but these nine American nationals were informed that, so long as there was an unemployed Frenchman—and there were many thousands of them—there would be no job for these American citizens. These nine Americans were sent back here, where they belonged, without even going through the formality of deportation proceedings. We would like to see the same rule applied here as to those aliens who are on relief.

Regardless of the number of unnaturalized aliens in this country, and the number has been variously estimated from four to seven million, we submit that it is evident that these people care but little for citizenship, and most of them did not come to this coun-

try with any idea of contributing to its citizenry or to its upbuilding. They came principally for the wages, and many of them are sending back millions of dollars of American-earned wages yearly. This, gentlemen, is being done at the expense of American workingmen. We submit that a strong bill should be drawn, giving every unnaturalized alien a certain definite time in which to make arrangements to become an American citizen or to go back to his own country. It was stated on the floor of the Senate a few days ago that preference was being given to Americans for jobs. This is only partly true. In some instances we have found where it is true, but in many others we have found where aliens are employed and American citizens walking the streets looking for jobs. We submit that it is unfair and un-American to permit such a condition to continue.

#### SUMMARY

The Junior Order United American Mechanics, with its national council and its affiliations, numbering practically 500,000 American-born workingmen, are opposed to this legislation which will make mandatory deportable cases discretionary with the interdepartmental committee, with no appeal nor remedy from the use or abuse of such discretionary power.

We are opposed to conferring citizenship upon alien lawbreakers who are at present ineligible for citizenship but who will be eligible if this bill becomes a law.

We are in favor and would support a stricter deportation measure which would—

(a) Rid, as quickly as possible, our country of all aliens on relief.

(b) Provide a period of 1 year after the passage of this act for unnaturalized aliens to take out citizenship or be deported.

We are anxious to have a stricter enforcement of immigration and deportation laws by that great department of the Government which is charged with this responsibility under the statutes, and we would be especially pleased if some of the high officials of that Department could spend more of their time in seeing that the laws on the statute books are enforced than they are now spending in spreading propaganda through the press and by speeches and word of mouth throughout the country, traveling presumably at Government expense, trying to influence legislation, and to stir up a sentiment which is detrimental to the best interest of our taxpayers and our American workingmen.

We are in favor of the Reynolds bill, which, we understand, would cut existing quotas 90 percent. As a matter of fact, we would be delighted and pleased beyond measure if all immigration could be cut off or suspended for a period of 10 years.

Respectfully submitted.

NATIONAL COUNCIL, JUNIOR ORDER  
UNITED AMERICAN MECHANICS,  
By JAMES L. WILMETH, National Secretary.

Mr. REYNOLDS. Mr. President, I also ask that a telegram from H. L. Mennerick, State secretary, Order United American Mechanics, be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BALTIMORE, Md., March 30, 1936.

Senator ROBERT R. REYNOLDS:

State Council of Maryland, Junior Order United American Mechanics, heartily endorses the Starnes-Reynolds bill and sincerely urges its prompt and favorable consideration.

H. L. MENNERICK, State Secretary.

Mr. REYNOLDS. Mr. President, my motion to recommit the Kerr-Coolidge bill is now before the Senate. I ask the Presiding Officer how much time I have remaining.

The PRESIDENT pro tempore. The Senator has 24 minutes remaining.

Mr. REYNOLDS. I shall reserve that 24 minutes to answer any arguments which may be made in support of the Kerr-Coolidge bill.

Mr. HOLT obtained the floor.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. DAVIS. At the conclusion of the remarks of the Senator from West Virginia I shall ask several questions of the Senator from North Carolina [Mr. REYNOLDS], provided the Senate shall not proceed to consider the appropriation bill, which I understand it is desired shall be considered and which is perfectly agreeable to me. However, I shall, as soon as conveniently possible, direct a few questions to the Senator from North Carolina on the subject matter he has been discussing this morning.

Mr. REYNOLDS. I shall be glad to answer them, if I am sufficiently informed to do so.

The PRESIDENT pro tempore. Does the Senator from West Virginia yield at this time for the purpose of permitting the Senator from Pennsylvania to propound questions to the Senator from North Carolina?



Mr. DAVIS. Mr. President, I requested that I be permitted to ask those questions at the close of the remarks of the Senator from West Virginia.

The PRESIDENT pro tempore. Very well.

#### THE WORKS PROGRESS ADMINISTRATION

Mr. HOLT. Mr. President, on the 9th day of March the Senator from Pennsylvania [Mr. DAVIS] introduced a resolution to investigate the Works Progress Administration. That was nearly 7 weeks ago, and the resolution has not been passed upon by the Senate of the United States. I have been reading in the newspapers quite a little bit about the G-men, and how they have tracked down lost property and how they find things which are gone. I feel that the United States should employ some of those G-men to find out what became of the resolution to investigate the Works Progress Administration. There is little need to investigate the W. P. A. after the appropriation has been made and after the money has been spent. There is no need to lock the stable after the horse is stolen. There is no need for us to look at something that has gone by unless we can use it. We all realize what will be the outcome of this move. The session is coming somewhat toward its close, whether that be 2 months or 3 months from now, and we will not get the benefit of an investigation which will tell us how the Works Progress funds have been spent, or misspent, and, therefore, we will have to look only at the charges and countercharges.

Mr. Hopkins has stated that these charges are untrue. If I were in the place of Mr. Hopkins, I would want an investigation made to prove that they are untrue. I have seen replies saying that these charges cannot be based on fact. The best way to prove that statement is to ask some of us who have charged that the W. P. A. is full of politics, is full of waste and extravagance, to present our evidence. But in some way or other the resolution has gone; it has gone to the land of no return; it has become shelf worn after 7 weeks, and the Senate has not been given an opportunity to determine what we should do about investigating the Works Progress Administration.

Let me say right here that I again bring up this subject because I believe, as Representative FULMER, of South Carolina, is reported to have said in his home State, that Harry Hopkins is doing more to destroy President Roosevelt than is any other man in this country, Republican or Democrat. He is doing more because he is shaking the confidence of the American people. Therefore it is our duty as Democrats to see that the Works Progress Administration be exonerated if these charges are not true; and, if they are true, it is our duty as Democrats to see that the house is cleaned and that we can go into the fall campaign without any charge that cannot be disproven by actual facts.

When I previously spoke I directed most of my attack against conditions in the State of West Virginia, showing the huge expenditure of money, showing the politics, showing the waste, showing the extravagance. Since that time I have received letters from 46 of the 48 States. I am going to read excerpts from just one or two that I have selected from the different States of the Union. Let me quote the exact language of a letter from one of the States:

I find that when we apply for a position we are asked our party affiliations.

Here is a letter from another State saying:

Direct relief funds of our State are being used to build up a State and National political machine, while Harry Hopkins is spending a million dollars to contribute to it.

Here is another from a W. P. A. timekeeper in another State, in which he says that he has direct evidence that there is waste and politics. I think we need to have an investigation in order to disprove these charges if untrue.

Here is another letter from a State down South, in which it is stated:

The administration here stands charged with theft, forgery, misapplication of funds, nepotism, favoritism, and padding pay rolls.

These are pretty serious charges, and yet there is no investigation.

Here is a letter from another State, from which I will quote. The writer of the letter specifically tells where he had to go to get a job in that State and that he has to be O. K.'d by certain politicians.

Here is another letter from a State in the West, enclosing a newspaper clipping showing that applicants have to refer to a certain man before they can get a job.

Here is another letter about Richland County, S. C., in which the writer says:

An investigation of Richland County will prove that conditions in South Carolina are much worse than they are in the State of West Virginia.

And he enumerates the conditions.

Here is another letter from a New England State, in which the writer says that he can prove that there has been definite waste and graft, and so forth.

When we come to the State of Pennsylvania, if I should start reading the charges in the State of Pennsylvania, my good friend from North Carolina [Mr. REYNOLDS] would not get a vote on his motion to recommit the deportation bill, because I have so many communications showing the situation in Pennsylvania. I intend to come back again to that.

Here is a letter from another State on the far western coast, in which the writer says that political favoritism is shown.

Here is a letter from the Midwest, showing the definite persons that an applicant has to go to in order to get a job.

Here is another one from the East, in which the writer says that political debts are being paid, and he states to whom one should apply for a job.

Here is another letter from the Midwest, and another one from down South, and here is one from a great State in the East, in which the writer says that he has called irregularities to the attention of Mr. Hopkins, time after time, without a single, solitary investigation being made, and that the charges are referred back to the local officials.

Here is another letter written by a man in a Western State, who says:

It takes the endorsement of the political powers to get in and an agreement to vote right.

If these things are not true, an investigation will disprove them.

Here is another letter from an Eastern State, written by a veteran, in which he says one has to change his politics before he is put on the roll.

Here is another letter stating that local politicians are controlling the situation.

Here is another letter from the Rocky Mountain section showing a number of irregularities.

I could go down the list, Mr. President, and show hundreds and hundreds and hundreds of such charges all over the United States. It is our duty as Democrats to face the charges and prove them true or prove them untrue.

I said in a speech in West Virginia last week, and I repeat the statement here, that we in the Senate have appropriated millions of dollars to eliminate bugs, insects, and termites from plant life. Can we not spend a few thousand dollars to eliminate the same elements from the Works Progress Administration, to eliminate the bloodsuckers and leeches who are destroying President Roosevelt's relief program, and who are doing much to destroy his chance for reelection? Can we not put them out and show what is going on?

However, let me go back to Harry Hopkins' famous report, because it has been used quite frequently, and let me read from it. I quote from page 11 of the report:

It discloses that administrative cost of the entire period of operation of the Works Progress Administration in West Virginia is approximately 4 percent.

Mr. Hopkins says 4 percent.

Mr. Puckett, who has charge of the financial division of the W. P. A., says the approximate cost of the entire operation of the W. P. A. will average 6.3 percent.



Mr. E. C. Smith, W. P. A. State engineer, in an article that has been circulated all over the State of West Virginia, says:

Nonrelief workers, including foremen, timekeepers, professional and skilled workers not available from relief rolls, but paid from the operation of the project, received 9.3 percent.

Hopkins says 4 percent. The head of the financial division says 6.3 percent; the head of the engineering staff says 9.3 percent. If they themselves, the heads of the organization, do not know how much is being expended for administration, how do they expect the Members of the United States Senate to know how much is being used for that purpose? Why should we not have a committee appointed to find out where the money is going? But it may be said, "You can write down there and find where it is going." The Works Progress Administration, however, will not and do not give heed to the charges and do not state where the money is going.

Let me show the Senate where some of it is going in West Virginia. I wrote the procurement director for West Virginia, which is a small State, and this is what he says:

In reply to your favor of the 21st instant we have to report the following:

- (1) Rental paid on office furniture, including typewriters, labor-saving devices, etc., \$36,483.64.
- (2) Cost of furniture purchased, \$47,552.49.
- (3) Rental on property, \$25,458.30.

And that with people begging for help! And besides the amount of money the W. P. A. has spent let me give a statement from the Relief Administration—the F. E. R. A.

The Relief Administration has transferred to the W. P. A. equipment acquired through rental-purchase contracts, having a depreciated value at time of transfer of \$45,350 and representing an original rental-purchase cost of approximately \$68,000. \* \* \*

The Relief Administration turned over to the W. P. A. \$71,241.33 in equities on equipment being rented on rental-purchase contracts.

They turned over all that amount, and yet we find that the W. P. A. has spent in rentals alone over \$36,000 for furniture and office supplies up to the 1st of March and bought \$47,000 more of furniture in the State of West Virginia when people are just begging for an opportunity to get enough money with which to buy bread and milk. I need not go further into that, but I want to put in the RECORD—I will not read it—another thing to prove another charge that the statement of Harry Hopkins is untrue, in which he said that the W. P. A. was set up in West Virginia after my colleague went to the Philippines. I ask that the statement which I send to the desk be incorporated in the RECORD at this point.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

HOPKINS EXONERATES SENATOR NEELY, DUE TO ABSENCE IN ORIENT  
CHRONOLOGY OF THE WORKS PROGRESS ADMINISTRATION, 1935

June 8. "F. W. McCullough appointed State W. P. A. Director for West Virginia."

June 17. "McCullough has conference with Harry Hopkins."

June 19. "McCullough announces that he would receive projects."

June 24. "Mrs. Dora Garlitz, Keyser, was named director of women's work for the W. P. A., the first major official to be announced."

June 27. "Mr. H. Laban White, Glenville; Melton M. Maloney, Dunbar; J. D. Alexander, Fairmont; and Thomas Miles, Lewis County, will be given executive positions in the West Virginia Works Progress Administration, provided they are confirmed at Washington. F. Witcher McCullough, State administrator, stated last night that they had been drafted to fill the positions."

"Charleston designated as State headquarters."

June 29. "Mrs. Dora Garlitz, new director of women's activities for the W. P. A. in West Virginia, will report to Administrator McCullough today to take over her duties. \* \* \*

"Works Progress Administrator McCullough, Beehler, Mrs. Garlitz, R. J. Cochran, head of the F. E. R. A. social-service department; B. H. Puckett, head of the W. P. A. finance department; A. D. Alexander, W. P. A. procurement office; and Miss Teresa White, head of the F. E. R. A. social-service training department, are to leave today for Columbus. There all W. P. A. administrators and high officials and officials of the dying F. E. R. A. will confer for detailed instructions on how to cooperate on transferring the work from the F. E. R. A. to the W. P. A. Melton M. Maloney, assistant State W. P. A. director of personnel, who is to be inau-

gurated mayor of Dunbar, Monday, will leave for the conference after the inauguration."

July 7. "E. C. Smith, Jr., appointed as State engineer."

July 7. "Appointment of Everett C. Smith, Jr., Ravenswood acting chief engineer and acting assistant to State Works Progress Administrator F. W. McCullough was announced yesterday. \* \* \*

"Administrative personnel offices will be open Monday. \* \* \* The administrator's temporary offices have been crowded with job seekers for several days."

July 8. "Project sent from West Virginia to Washington."

July 8. "State Administrator McCullough is organizing State and district machinery to operate the relief program."

July 9. "West Virginia's projects filed with Harry Hopkins."

July 10. "Rosier named to W. P. A. office. \* \* \* Appointment of Dr. Joseph Rosier, president of Fairmont State College, and past president of the National Education Association, as State consultant on educational work for the W. P. A., was announced last night by State Administrator F. Witcher McCullough. Rosier is to serve without pay."

"Meanwhile organization of district W. P. A. offices at Charleston, Huntington, and Fairmont was well under way, with the State W. P. A. personnel, procurement and other administrative branches working overtime to have the program machine ready for work as soon as possible after West Virginia's original batch of project applications are acted upon in Washington. \* \* \*

"Acting officials for the Huntington and Fairmont districts were named yesterday. John J. West was appointed acting district director; Grover C. Christian, acting assistant director and chief engineer and Cabell County Relief Administrator; D. W. Harris, acting supervisor of the division of projects and planning, for the Huntington district."

"Fairmont district officials appointed were Robert Roth, acting district director and Marion County Relief Administrator, George Gow, acting supervisor of the division of projects and planning."

"Officials for the Charleston district had not been announced although the work of placing the Kleeman building, Summers Street, in readiness for opening was being pushed at top speed last night."

"The district appointments are continued upon performance and accomplishments and are subject to such changes and adjustments as may seem expedient and for the best public interest, Mr. McCullough said. Full responsibility for the progress of the Works Administration in the district will be placed upon the district personnel, he added."

July 11. "State Administrator McCullough continues organization of district offices."

July 12. "Mr. McCullough states, 'The organization was strong enough to go about transferring relief clients from relief rolls to W. P. A. rolls.'"

July 13. "Two more W. P. A. officials named. \* \* \* Appointment of Joseph N. Alderson, former postmaster of Alderson, as acting director and Frank A. Wyant of Union as acting assistant director and chief engineer of the third West Virginia W. P. A. district with headquarters at Lewisburg, was announced yesterday by State Administrator F. Witcher McCullough. \* \* \*

"Organization of two more W. P. A. districts, one at Parkersburg and the other at Elkins, was practically completed yesterday, but the personnel was not announced. The Parkersburg office will have jurisdiction over Braxton, Calhoun, Doddridge, Gilmer, Lewis, Pleasants, Ritchie, Tyler, Wirt, and Wood Counties. The Elkins office will serve the counties of Berkeley, Grant, Hardy, Hampshire, Jefferson, Mineral, Morgan, Pendleton, Randolph, and Tucker."

"An acting district director and an acting assistant director and chief engineer will be named for each district within a few days. Their appointments will be contingent upon performance and accomplishments, and will be subject to such changes as may seem expedient and for the best interest. Administrator McCullough said. In each district the full responsibility for the program will be placed upon the district personnel."

"District officials have been instructed to set up temporary offices at once and be prepared to begin work on W. P. A. projects immediately upon their approval at Washington."

July 17. "McCullough announced that he had recommended to Washington officials the appointment of Harry Blaine Colbank, of Elkridge, as State director of the division of labor management."

July 18. "With organization of the district W. P. A. offices practically completed, State Works Progress Administrator F. W. McCullough yesterday called a meeting of the new acting district key officials for Charleston tomorrow."

"Officials for three districts have already been announced. Administrator McCullough began the work of completing the remaining three yesterday immediately upon his return from Washington."

July 19. "McCullough announces projects ready to start."

July 20. "At the preliminary conference State Works Progress Administration officials spoke, and then the conference was broken into group meetings, in which the district officials moved like college students from class to class on half-hour schedule."

July 21. "High W. P. A. position goes to S. G. Smith, relief administrator."

"The appointment of S. Grover Smith, Kanawha County relief administrator, as acting district director of the W. P. A. for Charleston district was announced yesterday by F. Witcher McCullough, State Works Progress administrator."

"Joseph Blackburn, of Morgantown, was appointed acting assistant director of the Charleston district."



"Mr. McCullough also announced appointment of Mason Bell as office manager for the Lewisburg district."

July 22. "Smith will open W. P. A. office today. \* \* \* S. Grover Smith, newly appointed director of the Charleston Works Progress Administration district, will establish offices this morning in the Kleeman Building, Summers Street. Director Smith for the present will maintain his previous status as Kanawha County F. E. R. A. administrator in conjunction with his new post."

"W. P. Wilson will be asked by F. W. McCullough to serve as deputy administrator."

July 24. "Three more road employees resign. \* \* \* Weston, July 23. \* \* \* Three more employees of the State road commission in the Weston district resigned tonight, making a total of four who have quit to take jobs with the Works Progress Administration."

"M. C. Pugh, chief clerk for the highway body, said he resigned, effective August 1, to take a job as office manager for the W. P. A. in Elkins."

"Draco Dodrill, of Clarksburg, assistant maintenance engineer, quit to join the Parkersburg W. P. A. office."

"R. R. Watts, of Buckhannon, quit as construction engineer, effective July 31."

"E. C. Bennett, district engineer for Weston, previously had resigned to become W. P. A. engineer in this area."

July 25. "Robert F. Roth, director of the district Works Progress Administration office in Fairmont, covering 11 counties, was tonight appointed administrative assistant to the State Works Progress administrator."

"In Roth's absence from his post as district director, George Gow will have charge of the district office."

July 25. "Projects approved in Washington."

July 28. "Robert M. Lambie, former chief of the State department of mines, has been offered the position of consultant on labor management, workmen's compensation, and safety matters in the State W. P. A. organization, it was stated yesterday. Mr. Lambie could not be reached last night for a statement relative to acceptance."

July 31. "District W. P. A. officials returned to their homes last night with instructions to encourage cities, counties, and school boards to initiate new work projects, following a 2-day conference at the State offices here."

"Yesterday morning they heard discussions by Wayne Coy, field representative for W. P. A., and his assistant, Vernon D. Northrop. Mrs. Dora Garlitz, West Virginia director of the W. P. A. women's division, outlined women's problems."

August 1. "S. Grover Smith, Sr., announced yesterday his resignation as county relief administrator to become district director of the Works Progress Administration under F. Witcher McCullough beginning today."

August 6. "Notice that no more State or district administrative personnel will be appointed for the present and that the responsibility of employing persons had been shifted to the district offices was given out at the State W. P. A. headquarters here yesterday."

"Emphasis was placed on the importance of all persons who want W. P. A. jobs, including foremen, draftsmen, and other technical men, registering with the National Reemployment Service, which maintains district offices throughout West Virginia."

"Ninety percent of the persons to be employed by the Works Progress Administration must come from the relief rolls and must be registered with the Reemployment Service. The other 10 percent may be hired through the Reemployment Service or from other sources. This is to give elasticity to labor regulations, in order that technical and expert craftsmen who may not be obtainable from relief rolls and who might be vital to the completion of a Works Progress project might be employed."

"The National Reemployment Service is to keep the Works Progress Administration fully advised as to the availability of the various types of labor, so that these conditions can be taken into consideration in choosing projects to be built."

"The notice to cease hiring administrative personnel was sent out by the State office because the administrator has a certain amount apportioned to administrative expenses, which is not to be exceeded in order that the greatest amount possible can be spent directly on labor."

"Many times more applications have been received for jobs than there are jobs to be filled, it was said. The State personnel office has been closed indefinitely and personnel records have been sent to the various district directors in whose districts applicants for jobs live."

August 7. "C. L. Heaberlin, former State compensation commissioner, is slated for State compensation officer under the W. P. A.; and Ralph Ostrander, acting Kanawha County F. E. R. A. administrator, is being considered for the post of acting State W. P. A. safety director, it was stated here yesterday."

"F. Witcher McCullough, State W. P. A. administrator, yesterday announced the appointment of E. C. St. George, mayor of Danville, Boone County, as acting administrative assistant and State director of personnel, but did not confirm the Ostrander and Heaberlin reports."

August 8. "Dewey Phares appointed assistant director of labor relations."

August 9. "Harry B. Colebank appointed director of labor relations."

August 10. "A 2-day State and district Works Progress Administration conference will open at noon today in the city council chamber, during which regional and State W. P. A. officials will address more than 100 officials and employees of the Administration in West Virginia."

August 13. "Colonel C. P. Fortney, West Virginia's first chairman of the State road commission, yesterday was offered the post of engineering consultant to the Works Progress Administration for the W. P. A. road-building program. It is thought he will accept."

August 16. "Word was received that steps were immediately taken to acquire equipment. Engineers began working out county allotments."

August 28. "First projects started in McMechen and Parkersburg."

September 7. "Six hundred and eighty-four men to work."

September 14. "State meeting for W. P. A. officials called. Colonel Babcock present."

September 21. "Two thousand one hundred and seventy-three men to work."

October 1. "Seven thousand people employed."

From the Wheeling News Register, Sunday, October 13, 1935, part 4, page 6, the following is found:

"Senator and Mrs. M. M. Neely, Fairmont, left last week for Chicago to join a congressional party headed by Vice President and Mrs. John Nance Garner for a 3-month tour of the Orient and the American insular possession in the Pacific."

Mr. HOLT. Yet Mr. Hopkins says:

The report of the investigators exonerates Senator NEELY, Mr. HOLT's colleague, of the charge that these appointments were used by him to build up a political machine, the investigation having developed that Mr. NEELY was in the Orient on official business during the formative period of the West Virginia organization.

Another charge. Mr. Hopkins says in his report that Mr. E. C. Smith, engineer, had no special endorsements. I exhibit here an original letter showing that he not only had the endorsement of Senator NEELY, but that he had the endorsement of Senator GUFFEY, for W. P. A. engineer in the State of West Virginia.

Mr. Hopkins says that there is not a case where a man had to change his political affiliation in order to get a job. Let me quote from a letter I have received:

I have been approached by one connected with the W. P. A. saying that if I registered a certain way that I would get some work. Will you please advise me what to do, as my family is in need of not only food but of medical attention?

If these things are not true, if Harry Hopkins says that there is no politics in relief, the best thing to do is to have an investigation and prove that this man is not telling the truth. Oh, no; no politics at all!

Here is a letter from a girl who was fired from the Parkersburg office. She never was connected with the Fairmont office. Our State office is in Charleston, but when she lost her job where did the letter come from. Did it come from the State office at Charleston? Did it come from the district office where she was working, Parkersburg? No. The postmark on this letter shows that she was fired from Fairmont, W. Va., the home of my colleague, where the headquarters of the W. P. A. ought to be and where its control is and where it is run.

Let me quote from the superintendents of schools. Seventy percent of those I shall quote from are Democrats, and I want to read what they think of the W. P. A. and what they say. One superintendent goes ahead and says:

The repair work on the various buildings was badly needed and we worked almost day and night to get them ready, and at various times were called on for additional information so it could be ready to start at any time.

He asks what happened. The projects were not approved. The money went for projects which had no value.

Here is a letter from another superintendent of schools in which he says that:

The W. P. A. paid no attention to the school projects in West Virginia, and it has cost our board of education alone over \$2,000 just for plans that the W. P. A. requested them to give out.

Here is a letter from another county superintendent of schools in which he says:

For some reason unbeknown to us this application was finally rejected and as a result not a single solitary improvement has been made in the school system of our county through the expenditure of W. P. A. funds.

Yet in our county we find expenditures for everything except something of permanent value in the W. P. A.

Here is another letter from another county superintendent of schools in which he says:

We have spent on engineering \$3,000 to prepare a project and brought the project to the attention of the W. P. A., but there was not a single, solitary thing done for it.



Here is another letter from another county superintendent of schools:

The projects that have been approved in this county are those that will accomplish very little of permanent value. On every hand there is evidence of waste and political manipulation. Projects are started without any regard to value or without any regard to the finding of jobs for those who need work.

Here is another one:

We have not been able to get any action through the Lewisburg office. It is filled with red tape, and no schools are being built or repaired in our State.

I quote from another one to show what is going on:

You understand what is happening in the West Virginia W. P. A. The political parasites are sucking the lifeblood of our public institutions.

Another county superintendent of schools said:

We daresay there is no worse situation in West Virginia than we have in Lincoln County. Just think of 117 one-room school buildings, many of them standing without underpinning but ready to fall down, and not a single project which we submit to improve them has been approved.

He said further that the schools of that county have seen waste upon waste; that they can get all the money they want to decorate the school buildings, can get all the shrubbery they need, but not one penny to help the schools that are weather beaten, need painting, need underpinning to keep the buildings from falling down.

Here is another letter from a superintendent of schools, who says:

At one particular school two cooks are employed at \$70 per month cooking for 30 pupils and being allowed \$4.50 worth of food per month, which gives the staggering allowance of 3 cents per day for each pupil, and they call it a program for undernourished school children.

Think of it—\$140 for cooks and only \$4.50 for food. That is Hopkinism. That is what is going on in West Virginia. Children need milk, but he is giving the money to the cooks. Up in the northern panhandle it is charged there were four cooks employed for 6 weeks at one particular place who did not cook one bite of food except the food they themselves ate. Then it is said we need more of that!

Here is a letter from another superintendent of schools:

It is my opinion that projects of less importance than the ones which we have submitted are now in operation. We need to repair our school buildings and can get no money for their repair.

Here is another one saying that although they did set up a project to feed the children, the farmers were not even paid for milk because of some red tape. He continued:

I would not be so bold as to say that someone at Parkersburg or Charleston is beating the poor farmers out of a just and fair milk bill.

Now let us jump from superintendents of schools to mayors of cities. I shall not read all of these letters, but I have more than 60 letters from mayors. Seventy-five percent of those from whom I shall quote are Democrats, so it will be seen that these complaints do not come from the Republican side of the situation. These come from honest Democrats who do not want to see our party destroyed by Hopkinism and boondoggling. The W. P. A. seems to have plenty of money to build all kinds of nonsensical things but no money for our schools. They have all kinds of money to teach children tap dancing, but no money to give them milk so their legs will be strong enough to enable them to run and play.

Here is a letter from a Democratic mayor who says:

The dissatisfaction in our city, and I speak as a Democrat, is that there is too much supervision expense, there is too much discrimination, and there are too many supervisors in the way to allow the men to work.

Here is a letter from another Democratic mayor:

I find that the W. P. A. has little stability, and although they have no funds we find them juggling them back and forth in order that the right people be put on the pay roll.

Here is a letter from another mayor in which he says that his little town had spent a good many hundred dollars for an engineering survey on some project but could not get one single, solitary penny for carrying on the work.

Here is the mayor of another city who says:

We feel very much disappointed that the projects have been allocated in an unfair manner and under political influence.

Let me tell you about that town. It will be remembered that my colleague submitted telegrams saying inferentially that they were having to do with my attempt for political preference and that I wanted certain people to be put on the pay roll. That is untrue. I say that only to show that the question of these telegrams related to discrimination being shown in this little town, and the letter from the mayor will show that my interest had nothing to do with patronage, but to get the projects that would benefit the most.

Here is a letter from the mayor of one of the larger cities in West Virginia:

Out of our total program only 24 percent of the main projects have been started. The city has no control or supervision over the projects now operating, which means that we are wasting it clear through.

Here is another thing said by another mayor of a large city:

As I see it just now we have several of our streets torn up and nothing completed.

They are tearing up the streets, and no one knows when the work will be completed.

Here is a letter from another mayor in which he said they tried to build sidewalks and submitted a project, but were told they had no money for it, and yet in that county alone the supervising cost was as much as it would have cost to build the whole project.

Here is a letter from the mayor of another large city:

It is a disgrace the way they are doing things, in my opinion, down in southern West Virginia. I can prove that certain Democratic gentlemen O. K. every man for jobs with the W. P. A.

If these things are not correct, the best way to do is to destroy them by an investigation.

Here is another letter in which the mayor says they are definitely questioning the affiliation of people who are put on projects.

I put these letters in the RECORD because I want Senators to know that whenever they are told West Virginia is not disgusted with the conduct of the W. P. A. officials, it will be proved and shown by these letters, from officials elected by the people of West Virginia, that they are tired of it.

Here is a letter from another mayor who said:

The W. P. A. as administered here, as in other places, is a great deal worse than a waste of money, because they take those that are not needing work and deprive those who are in need of work.

The foremen and timekeepers have to be true and tried political supporters. Here is a letter from a prominent Democrat, the mayor of his city, who says:

It is my opinion that there is not a man or woman in this county, regardless of party affiliation, who is of ordinary common sense and who has made any observation whatever, that does not realize fully that this relief measure as being administered is deeply steeped in politics and almost void of results actually intended. Of course, there are many who will not openly express themselves because they are fearful of such an expression.

Here is a letter from another mayor:

Set-up in this county is purely political. To get any kind of a job here you have to vote the Democratic ticket.

All right. Now let me go to another mayor, and we shall see what he says. He says:

We have put in projects for permanent things and unpermanent ones, and those that are not permanent get the first right-of-way.

He says another thing:

The town here has seen the effect of nothing but waste and extravagance.

Here is another letter from another mayor:

The general feeling is that there is too much red tape for a man needing a job to get a permit to go to work. If this could be left to some official of the town it would save the man from hitch-hiking all over the county—

To see if they could get any food for their children.



Here is a letter from another mayor, who says that when the W. P. A. officials want to put people on the pay roll they question their political affiliations.

These letters are from city officials who have been elected from within their own State.

Here is another letter, saying:

We have tried to get a bridge constructed. It was very needful, but nothing could be done.

Here is a mayor who says that he felt like resigning because of the noncooperation of W. P. A. officials; and another man says that in his town worth-while projects were thrown aside, and political consideration was given to the O. K. of those projects.

Here is the mayor of another town saying—and this man is a Democrat:

The citizens in our town are not satisfied, because they see imported people brought in at huge salaries and see their own citizens without work.

The mayor of another town says that the selection of projects and the placement of workers are beneficial only on political matters.

But what is the use of going ahead? I tell the Senate that 64 percent, by actual count, of the officials of the State of West Virginia who wrote me, criticizing the W. P. A.—64 percent of them—and of that number, 70 percent were Democrats.

Now, let me go a little bit further into that subject.

Harry Hopkins says there is no politics in relief—none at all! Let me read you a sworn affidavit to see if there is any politics in relief, and see if Harry Hopkins will get around this. Here is what the affiant says in part:

I myself was compelled to deliver a certificate of the registration books, certifying that I was registered as a Democrat, and was required to state under oath that I would vote and work for the election of Senator NEELY in the 1936 campaign.

This is a sworn affidavit, with the notary's seal right there. Oh, no; there is no politics at all, in W. P. A. work, according to Harry Hopkins.

Here is a letter written by a man to a woman who wanted to go on a sewing project; and here is what he said:

Now, don't you say I should do all I can to get you on relief, if I am to get as much out of it as I did on the boy's case.

Here is another thing I want to show the Senate about the question of need, and the question of relief. Here is the actual letter:

I am in dire need. All day during April 14, 1936, we had one 11-cent loaf of bread to eat, and that was everything. We have four children, my wife and myself. We have no credit and no money. I am a disabled veteran. I was on relief, direct, for over 1 year.

But he said he could not get a job under the Works Progress Administration.

Here is a person who is in need, with a family, begging and supplicating and asking for something to eat.

Let me put in the RECORD actual evidence of how that investigation was conducted. Here is the exact letter from one of the department heads of W. P. A. Now, listen to this:

We further believe that it will not be necessary to alter or destroy any official records, as has been suggested in round-table discussion of the matter.

"It will not be necessary to alter or destroy any official records." If it takes as long for us to get an investigation by the W. P. A. authorities as it takes to get an investigation by the Senate, I imagine all the records may be altered or destroyed.

Hopkins, according to a newspaper article I have here, admits fraud in Maine. He said there was something wrong in Washington. He says the charges in Maine are true, and they are true in Washington. I know they are true in West Virginia; so why not have an investigation and prove these charges true or untrue, and fix the various responsibilities?

Here are some newspaper clippings that I wish to put in the RECORD to show what is going on. Here is one from the Baltimore Sun:

Three accuse Jones in loss of W. P. A. jobs.

The article tells about the situation in Pennsylvania. Mr. Raushenbush brought out some other questions about Pennsylvania, and yet nothing is done. Harry Hopkins is given a clean bill of health, and the resolution is becoming shelf-worn up there. It is going to be worn out on the shelf from waiting.

Here is what Mr. Robert L. Johnson says about relief in Pennsylvania; and he was in charge of it. Here is what he says in the Saturday Evening Post of March 21, 1936:

I can't speak for the Nation, but I do know that one unwise move in Pennsylvania, against which I fought, resulted in \$7,000,000 being wasted—wasted just as truly as if someone had taken seven million-dollar bills and used them to light cigars.

They say that is not true. The best way to prove the Johnson statement untrue is to have Governor Earle or the W. P. A. group in Pennsylvania put Mr. Johnson on the stand, and let him tell where that \$7,000,000 was wasted, if these things are not true.

Here is an editorial from a Democratic paper in South Carolina:

Those responsible for the W. P. A. disgrace in South Carolina should get out.

And the editorial goes ahead, showing that the cost is similar to the cost in West Virginia, and that people cannot get employment.

Here is what the head of the W. P. A. in New York says. The headlines are:

W. P. A. LABOR 70 PERCENT EFFICIENT AT MOST HERE

In other words, we have a 30-percent loss on W. P. A. efficiency. If we have a 30-percent loss on a four-billion-dollar appropriation, how much has been wasted, and how much has been lost? Is it not time that those who are trying to look after appropriations should be clamping down, so that we shall not have such loss in the future?

Here is another thing that I quoted, about a minute ago, from another South Carolina paper:

"Harry Hopkins has done more to destroy the President than any other man in the United States," declared Congressman H. P. FULMER in a speech in the House of Representatives here Wednesday afternoon.

Here is what a Democratic Representative from Michigan says:

Funds have been misused in Michigan, discrimination has been practiced, and I lay the responsibility directly to Dr. William Haber, F. E. R. A. administrator, deputy administrator of the P. W. A.

And he goes ahead and says the rolls are padded, and tells about finding the names of Mark Antony and Julius Caesar on the pay roll in Michigan.

If these charges are not true, they should be disputed and proved to be untrue.

Here is one from out West, in the State of Kansas. It says:

Welfare department costs reach much higher figure.

Here is a letter which says:

I have sent your name through for State highway work. If you are not a registered Democrat, kindly visit the town clerk before 5 p. m., March 28, 1936, and have your party designation changed to Democratic.

Oh, there is no politics at all—none at all—in the relief situation!

Here is one from the State of Texas:

Police today were holding a 23-year-old Works Progress Administration worker who, although he admitted coming here from Georgia last July, had in his possession a poll-tax receipt made out to him showing that he had resided in this city, county, and State for 23 years.

Why did they give him a poll-tax receipt?

Here is one from the State of Illinois:

Democrats exact W. P. A. votes by threats, charge.

While I am talking about Illinois, it might be well to refer to a letter from the State of Illinois, which is very interesting. Here is a letter I should like to read about a place



where there is "no politics", where Harry Hopkins says everything is well. Here is what the writer says:

As an obscure and impoverished W. P. A. worker on project no. 2210, gang no 2834, in Chicago, I am taking the liberty of writing you the following:

On April 4 I was approached by a W. P. A. official. He said to me: "Shorty, be sure and vote for Dr. Bundesen on the primary election day."

The writer of the letter replied:

"You have no right to dictate to me such a thing as voting for your choice."

"Well," he said, "it may cost you something after your pay day."

He was right. On April 10 it was our pay day. The whole gang got their pay checks (half of the men being docked, of course) except two of us. "Your name is not on the paying list. We have no pay check for you," the paymaster told me. I protested, and demanded my 2 weeks' full pay, which is \$27.50.

And then the paymaster again brought up the question of Dr. Bundesen in Illinois. Oh, no; do not mistake it. There is no politics in the W. P. A. at all—none at all.

Here is one from Alabama, which says:

The W. P. A. pay roll tells a sad and sordid tale of what is going on in Alabama.

I know specifically, and I can prove, that the W. P. A. officials in the State of West Virginia are using Government time in trying to set up a W. P. A. slate in the Democratic primary in our State. That is a serious charge. These men who are drawing your money and my money, the money which should go for feeding children and taking care of the hungry and those who need clothes, are going around saying, "We want you to vote for this man for the United States Senate. We want you to vote for this man for Governor; we want you to vote for this man for sheriff", all the way down the line—no politics at all about it.

If there is no politics in relief, the best way to destroy my attack upon the political situation is to have an investigation before a committee of the United States Senate. Why the fear of it? If we are not guilty of indulging in politics, let us prove that we are not guilty of it; and if we are guilty, let us admit our mistake and clean our own house.

Thousands of letters on this subject have been pouring in to me from all over the United States; and I intend to put in the *RECORD* editorials from 221 leading newspapers of the United States asking why the Senate of the United States does not investigate the relief situation. We are told, "Oh, what is the use of investigating it? We are going to have the Campaign Committee investigate it." Yes; have the Campaign Committee investigate it after the appropriation has been made, after the men have been elected, after everything has been done—again a nice example of locking the stable door after the horse is stolen! Let us see today where the money is going. Let us see if there is any politics in it. Let us see if there is any waste. Let us look at the extravagance, and then see where we are going.

Another thing: We are told, "Oh, there is no need of doing this. We will call Mr. Hopkins before the Appropriations Committee."

The Appropriations Committee is interested in the amount of money spent, not in political discrimination; and I speak in the highest terms of those on the Appropriations Committee. Why not have this matter investigated by a select committee? We investigate everything from Indian ranches in the West to chasing the corn borers and termites all over the country, but we cannot find out whether or not there is a termite in the W. P. A. Oh, there is no money for that—no money at all for expenditure on W. P. A. projects. There is no money to investigate them. To think that we do not have money to investigate the expenditure of nearly \$5,000,000,000, and then to say, "Oh, the reason we want to do that is that it is dangerous."

You know, some Democrats have come to me and said, "Holt, you know this is no time to bring that up. This is election year." I say it is my duty to bring it up any time I find rottenness; and I say that the W. P. A. is guilty of the most rotten waste and extravagance in the expenditure of public money that this country has ever known, and it certainly is our duty to investigate and see what is going on.

Oh, yes; let us cover it up; let us close our eyes to it. We may think we are closing our eyes to it; but the people of the whole United States are not closing their eyes, and we shall have to take the consequences when the time comes. We shall have to see it. I say that I am truly representing my party when I am trying to drive from my party these political bloodsuckers and these political leeches who have been put on the public pay roll for no other reason than the political power they may have.

Senators will remember what I showed about the expenditure of money; they will remember what I showed in reference to the increases in salaries. They will remember that I showed \$800 worth of engineering force per month put to work on a \$20,000 project.

Oh, no; no waste of money. The best investment the Senate could make would be to appropriate money to find out how much waste and extravagance and how much politics is in the W. P. A., and we should not allow Harry Hopkins and his group of nincompoops in the Works Progress Administration to tell us what they are spending.

Harry Hopkins has a press or information staff, according to the *New York Times*, of between 250 and 300 people to tell all of us how much he is spending. But he cannot tell us how much is being spent on any project.

Let us look into the record. If it is true that he has been such a wonderful man, if there have been no mistakes made, then the best way to prove it would be to have a thorough, searching investigation, and go into the matter and show up those who have made these various charges.

The people back home know what is going on. We may think the people back home do not know about it, but they know the ward heelers on the pay roll and the political bosses on the pay roll. We can shut our eyes to it, but 120,000,000 Americans are not shutting their eyes to this waste, extravagance, and political set-up.

It is high time that we investigated the W. P. A. They will say that I have not been here very long. But mark my words, within the next 2 or 3 weeks they will be saying, "Let us hurry up with this relief appropriation bill, because the relief funds are running low, and we have to feed these people. Let us get this through. Let us give them another blank check. Let us push the thing through."

Then they will have you swamped with letters, a hundred for this project, 200 for another, 500 for another, and so on. They will say, "The reason we have to cut down is that Congress did not appropriate enough money. Write your Congressman to appropriate more money for the W. P. A." Then the letters will start coming in, and we will get scared, and think we must provide the money immediately, without knowing where the money is going.

Mr. President, would any business house spend \$4,000,000, let alone \$4,000,000,000, without having a report from the board of directors as to where the money was going? No business house would do that. It is certainly high time we were trying to look for the people in the expenditure of billions, which have gone for huge political machines in my State and other States. It is our duty as Democrats to clean our own house before the opposite party cleans it for us.

Let us look into the matter, and let us pass this resolution to investigate the W. P. A. People are hungry, are begging for food and clothing, yet there are many on the pay rolls with huge salaries. And here we sit and say, "Let us listen to what Harry Hopkins says." I say, let us listen to him, but put him under oath and make him say those things. If Harry Hopkins had been under oath, and had reported on conditions in West Virginia as he did in the report to which I have referred, he could be brought up for perjury at any time, because he knows that report was not true, and he knows these reports by which he has been trying to cover up in West Virginia have been nothing but sham and whitewash.

STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATIONS

Mr. McKELLAR. I suggest the absence of a quorum.  
The PRESIDING OFFICER. The clerk will call the roll.



The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson	Overton
Ashurst	Connally	Keyes	Pittman
Austin	Coolidge	King	Radcliffe
Bachman	Copeland	La Follette	Reynolds
Bailey	Couzens	Logan	Robinson
Barbour	Davis	Loneragan	Russell
Barkley	Dickinson	Long	Schwellenbach
Benson	Dieterich	McAdoo	Sheppard
Bilbo	Donahay	McGill	Shipstead
Black	Duffy	McKellar	Steiwer
Borah	Fletcher	McNary	Thomas, Okla.
Brown	Frazier	Maloney	Thomas, Utah
Bulkley	George	Metcalf	Townsend
Bulow	Gibson	Minton	Truman
Burke	Glass	Moore	Tydings
Byrd	Guffey	Murphy	Vandenberg
Byrnes	Hale	Murray	Van Nuys
Capper	Harrison	Neely	Wagner
Caraway	Hatch	Norris	Walsh
Carey	Hayden	Nye	White
Chavez	Holt	O'Mahoney	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 12098, making appropriations for the Departments of State, Justice, Commerce, and Labor.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, reserving the right to object, I desire to make an inquiry. The pending question is the amendment which I offered to the immigration bill. It is necessary for me to be absent from the Senate after 1 o'clock on Friday, and I cannot return until the following Monday. All I desire to be sure of is that the change made in the order of business will not affect my amendment during my absence.

Mr. ROBINSON. Mr. President, in reply to the statement made by the Senator from Vermont, I will say that when the general appropriation bill which I asked to have taken up shall have been disposed of, the unfinished business automatically will again come before the Senate. It is my hope that some disposition of that bill may be made today; and if that is done, it is my intention to move an adjournment until next Friday, day after tomorrow. If the bill shall not be disposed of today it may be necessary to proceed tomorrow with the consideration of the unfinished business. It is not contemplated that the general appropriation bill will require a long time for final disposition. I shall be glad to contribute in any way I can to serve the convenience of the Senator from Vermont.

Mr. AUSTIN. I understand the fairness of the leader of the majority, and I am sure that if we encounter difficulty Friday I may expect accommodation at that time.

Mr. ROBINSON. Certainly. I hope the Senate may find itself in a position on Friday to adjourn or recess until Monday; but unless we make progress and have some disposition of the pending bill in the meantime, that may prove impracticable.

Mr. SHIPSTEAD. Mr. President, does the Senator say that he expects to dispose only of the appropriation bill today and then take a recess until Friday?

Mr. ROBINSON. No, Mr. President; what I said was that if the appropriation bill shall be taken up in compliance with my request just submitted, it is not expected that a very long time will be required for its final disposition, and that when the appropriation bill shall have been disposed of the Senate automatically will resume consideration of the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas that House bill 12098 be considered by the Senate at this time?

There being no objection, the Senate proceeded to consider the bill (H. R. 12098) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1937, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill for amendment.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Title I—Department of State—Collection and editing official papers of Territories of the United States", on page 5, line 19, after "section 168-169" and the comma, to strike out "\$23,000" and insert "\$29,000", so as to read:

For the expenses of collecting, editing, copying, and arranging for publication the official papers of the Territories of the United States, including personal services in the District of Columbia and elsewhere, printing and binding, and contingent and traveling expenses, as provided by the act approved February 28, 1929 (U. S. C., title 5, sec. 168-169), \$29,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contributions, quotas, etc", on page 16, line 14, before the word "including", to strike out "\$17,000" and insert "\$20,000"; in line 15, after the word "exceed", to strike out "\$7,500" and insert "\$10,000"; and on page 20, line 3, before the word "together", to strike out "\$878,120" and insert "\$880,620", so as to read:

For payment of the annual contributions, quotas, and expenses, including loss by exchange in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, in not to exceed the respective amounts, as follows: Cape Spartel and Tangier Light, Coast of Morocco, \$588; International Bureau of Weights and Measures, \$4,342.50; International Bureau for Publication of Customs Tariffs, \$1,318.77; Pan American Union, \$191,032.37, including not to exceed \$20,000 for printing and binding; International Bureau of Permanent Court of Arbitration, \$1,722.57; Bureau of Interparliamentary Union for Promotion of International Arbitration, \$20,000, including not to exceed \$10,000 for the expenses of the American group of the Interparliamentary Union, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended, stenographic reporting services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), traveling expenses, purchase of necessary books, documents, newspapers, periodicals, maps, stationery, official cards, printing and binding, entertainment, and other necessary expenses, to be disbursed on vouchers approved by the President and executive secretary of the American group; International Institute of Agriculture at Rome, Italy, \$49,911, including not to exceed \$12,855 for the salary of the American member of the permanent committee (at not more than \$7,500 per annum), compensation of subordinate employees without regard to the Classification Act of 1923, as amended, expenses for the maintenance of the office at Rome, including purchase of necessary books, maps, documents, and newspapers and periodicals (foreign and domestic), printing and binding, allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), for the use of the American member of the permanent committee, and traveling and other necessary expenses to be expended under the direction of the Secretary of State; Pan American Sanitary Bureau, \$30,643.30; International Office of Public Health, \$3,015.62; Bureau of International Telecommunication Union, Radio Section, \$5,790; Government of Panama, \$250,000; International Hydrographic Bureau, \$4,632; Inter-American Trade-Mark Bureau, \$14,330.20; International Bureau for Protection of Industrial Property, \$1,472; Gorgas Memorial Laboratory, \$50,000; American International Institute for the Protection of Childhood, \$2,000; International Statistical Bureau at The Hague, \$2,000; International Map of the World on the Millionth Scale, \$50; International Technical Committee of Aerial Legal Experts, \$6,696, including not to exceed \$6,500 for the expenses of participation by the Government of the United States in the meetings of the International Technical Committee of Aerial Legal Experts and of the commissions established by that committee, including traveling expenses, personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended, stenographic and other services by contract if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, purchase of necessary books and documents, printing and binding, official cards, entertainment, and such other expenses as may be authorized by the Secretary of State; Convention Relating to Liquor Traffic in Africa, \$55; International Penal and Penitentiary Commission, \$4,282, including not to exceed \$750 for the necessary expenses of the commissioner to represent the United States on the commission at its annual meetings, personal services without regard to the Classification Act of 1923, as amended, traveling expenses, and such other expenses as the Secretary of State may deem necessary; Permanent Association of International Road Congresses, \$588; International Labor Organ-



ization, \$212,951.59, including not to exceed \$27,300 for the expenses of participation by the United States in the meetings of the general conference and of the governing body of the International Labor Office and in such regional, industrial, or other special meetings as may be duly called by such governing body, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere, stenographic reporting and translating services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, traveling expenses, purchase of books, documents, newspapers, periodicals and charts, stationery, official cards, printing and binding, entertainment, hire, maintenance, and operation of motor-propelled passenger-carrying vehicles, and such other expenses as may be authorized by the Secretary of State; Implementing the Narcotics Convention of 1931, \$9,005; International Council of Scientific Unions and Associated Unions, as follows: International Council of Scientific Unions, \$19.30; International Astronomical Union, \$617.60; International Union of Chemistry, \$675; International Union of Geodesy and Geophysics, \$2,316; International Scientific Radio Union, \$154.40; International Union of Physics, \$62.72; International Geographical Union, \$194.66; and International Union of Biological Sciences, \$154.40; in all, \$4,194.08; and Pan American Institute of Geography and History, \$10,000; in all, \$880,620, together with such additional sums due to increase in rates of exchange as the Secretary of State may determine and certify to the Secretary of the Treasury to be necessary to pay in foreign currencies the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation.

The amendment was agreed to.

The next amendment was, under the subhead "International Boundary Commission, United States and Mexico", on page 23, after line 17, to insert:

For investigations relating to the establishment of a Federal zone along the international boundary, United States and Mexico, and for the construction of fences as authorized by Public Law No. 286, approved August 19, 1935 (49 Stat. 660), including salaries and wages; fees for professional services; supplies and materials; communication service; travel expenses; transportation of things; hire, maintenance, and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, purchase or condemnation of real and personal property, including expenses of abstracts and certificates of title; repairs; and such other expenses as the Secretary of State may deem necessary, \$25,000, to be immediately available.

Mr. HAYDEN. Mr. President, I ask to have printed in the RECORD a memorandum with regard to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum is as follows:

The Immigration and Naturalization Service maintains a force of less than 200 patrolmen between El Paso and the Pacific coast, and is, therefore, experiencing great difficulty in the matter of alien smuggling prevention at all points. The Customs Service also maintains a limited border patrol for the prevention of illegal entry of contraband and merchandise.

The erection of fences along the most active smuggling sections of the Mexican border would be of invaluable assistance to the Government agencies concerned in preventing the illegal entry of persons, dutiable merchandise, narcotics, and other contraband, and it is believed that within the life of the fence the advantages to the Federal and State Governments would cost more than offset the expense, since it would reduce the cost of investigating, detaining, and deporting from the United States aliens who have entered illegally from Mexico.

The several States, cities, towns, and counties along the international boundary would also be relieved of considerable expense for care and maintenance of aliens in penal, eleemosynary, and other institutions. To illustrate, for the past 7 years an average of 6,462 aliens of Mexican nationality have been deported each year, and a considerable number of orientals and aliens of other nationalities who gained surreptitious entry into the United States. In the fiscal year 1933 over 2,000 aliens of the Chinese race, who entered illegally in the sectors it is proposed to fence, were apprehended and deported to China at an expense to the Government of over \$500,000.

Moreover, hundreds of aliens of the criminal class congregate in various Mexican border towns and with others who are residents there cross surreptitiously to cities and towns on the American side of the line to smuggle, rob, murder, and what not, due to the facility with which they can enter the country, since it requires but approximately 1 minute for these undesirable aliens to dash across the international line and lose themselves among confederates or sympathizers on the American side at points where it is proposed to erect fences. The Government's efforts to prevent illegal crossings have been far from successful, and gun fights frequently result in attempts to prevent illegal entries, with serious loss of life to officers of the Federal Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 23, line 17.

The amendment was agreed to.

The next amendment was, under the subhead "Arbitration of smelter-fumes controversy", on page 28, line 7, after the words "excess of", to strike out "\$10,000" and insert "\$7,500: *Provided*, That the ultimate decisions under this arbitration shall be consummated within 2 years from the date of the passage of this act", so as to read:

Arbitration of smelter-fumes controversy: For the expense of the arbitration under the convention between the United States and Canada, signed April 15, 1935, of the questions set forth in article III of that convention for determining damages caused in the State of Washington from fumes discharged from the smelter of the Canadian Mining & Smelting Co. at Trail, British Columbia, including the share of the United States of the honorarium of the neutral arbitrator and of other joint expenses of the two Governments; honorarium of the United States arbitrator; compensation of an agent; compensation of employees in the District of Columbia and elsewhere, without regard to the civil-service laws and regulations or to the Classification Act of 1923, as amended; stenographic reporting and translating services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent in the District of Columbia and elsewhere; traveling expenses and per diem (notwithstanding the provisions of any other act); cost of necessary books and documents; stationery; official cards; printing and binding; and such other expenditures as may be authorized by the Secretary of State, and the Secretary of State is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation, \$50,000, to be available immediately: *Provided*, That no salary shall be paid from this appropriation at an annual rate in excess of \$7,500: *Provided*, That the ultimate decisions under this arbitration shall be consummated within 2 years from the date of the passage of this act.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert:

#### INTER-AMERICAN CONFERENCE

For the expenses of participation by the United States in an Inter-American Conference to be held at Buenos Aires, Argentina, or at the capital of another American republic, in 1936, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses (and by indirect routes and by airplane if specifically authorized by the Secretary of State); hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; equipment, purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; official cards; entertainment; printing and binding; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, \$75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Special Mexican Claims Commission", on page 31, line 15, after the name "Secretary of State", to insert "\$90,000, together with", and in line 18, before the word "is", to insert "which unexpended balance", so as to read:

Special Mexican Claims Commission: For the purpose of carrying into effect the provisions of the act entitled "An act to establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States concluded April 24, 1934", approved April 10, 1935, including personal services in the District of Columbia or elsewhere, without regard to the provisions of any statute relating to employment; rent in the District of Columbia or elsewhere; furniture; office supplies, and equipment, including law books and books of reference; stenographic reporting and translating services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); traveling expenses; transportation of things; printing and binding; and such other necessary expenses as may be authorized by the Secretary of State, \$90,000, together with the unexpended balance of the appropriation made available for this purpose in the Second Deficiency Appropriation Act, fiscal year 1936, which unexpended balance is continued available until August 31, 1937.

The amendment was agreed to.

The next amendment was, under the heading "Title II.—Department of Justice—Federal Bureau of Investigation—



Salaries and expenses", on page 36, line 13, after the word "exceed", to strike out "\$1,181,500" and insert "\$1,165,000", and in line 14, before the words "of which", to strike out "\$6,025,000" and insert "\$5,800,000", so as to read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, purchase and exchange not to exceed \$50,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; purchase and exchange at not to exceed \$7,000 each, and maintenance, upkeep, and operation, of not more than four armored automobiles; firearms and ammunition; such stationery, supplies, and equipment for use at the seat of government or elsewhere as the Attorney General may direct; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses of attendance at meetings concerned with the work of such Bureau when authorized by the Attorney General; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed \$20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed \$1,165,000 for personal services in the District of Columbia; \$5,800,000, of which amount \$100,000 shall be immediately available.

Mr. VANDENBERG. Mr. President, I should like to inquire why this appropriation and the one immediately succeeding have been reduced.

Mr. McKELLAR. The explanation is that last year the Bureau of Investigation was allowed \$5,000,000. The Budget Bureau estimate increased that appropriation to \$5,800,000 for the year beginning July 1 next. The House of Representatives disregarded the Budget Bureau estimate and added \$225,000 more. The Senate committee, after consideration, concluded that the Budget estimate ought to be maintained.

I may say to the Senator that last year, when a \$5,000,000 appropriation was provided, only \$4,626,000 was spent, according to the Budget Bureau's report on page 417. That was for 1935. The appropriation in the pending bill of \$5,800,000 is, on its face, \$800,000 more than the Bureau had last year; and the committee was of the opinion that that was ample and sufficient for the work to be done. It is a tremendous increase as it is—to \$5,800,000.

Mr. VANDENBERG. Mr. President, I am sorry to have to disagree with my able friend from Tennessee regarding this particular item. This happens to be the item which involves the adequate equipment of the Federal Bureau of Investigation in the Department of Justice; in other words, this raises the question as to whether the so-called G-men of the Government shall have the facilities which they require in their battle upon major crime in the United States. I think an invincible case can be made for the appropriation as passed by the House and as requested by the Department and as denied by the Senate Appropriations Committee.

I think I would go as far as the Senator from Tennessee in all rational economy drives. Indeed, I would go much further in many contemporary directions. But it seems to me this is a peculiar and a queer place to start the economy. It strikes me as a violation of perspective and common sense.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. McKELLAR. Surely the Senator does not mean to say that an increase such as the Bureau of the Budget has recommended on an item of this sort is not an enormous increase.

This item was increased very largely last year. Year before last, as I recall, the appropriation for this bureau was \$2,800,000 plus. That was almost doubled last year; and for the ensuing year the actual money added to the appropriation is \$1,173,482. That is an enormous increase. That increase will result in providing for the next fiscal year one-half as

much money for the Bureau of Investigation as the whole judicial system of the United States is receiving.

I think the Budget Bureau has been exceedingly liberal in recommending this remarkable increase, which on its face is \$800,000, but in reality is something like \$1,173,000.

Mr. VANDENBERG. Mr. President, let us see why the appropriation had to be increased last year. It was not through any voluntary action on the part of the Bureau of Investigation that it had to be increased. It was due primarily to the action of Congress in putting new and burdensome responsibilities upon these overworked G-men.

The fact of the matter is that in the crime situation of today in the United States people generally have come to possess such a surpassing confidence in the so-called G-men branch of the Federal service that more and more requirement is being heard for the expansion and extension of their invincible influence in crime prevention and crime detection in the United States. Our people want to sleep nights, and the G-men are their justified reliance.

I served as a member of the small crime committee of the Senate under the able leadership of the distinguished senior Senator from New York [Mr. COPELAND]. The one thing above everything else, I think he will agree with me, which impressed us was the progressive necessity for the increasing equipment of the Federal Bureau of Investigation and the increasing responsibility which it necessarily must assume in view of the interstate character of crime in these modern days. Crime has ceased to be local. In its major jeopardy it defies State lines. Our social defense must keep pace. It can do so only through this amazingly efficient agency in the Department of Justice.

Mr. McKELLAR rose.

Mr. VANDENBERG. In just a moment I shall be glad to yield to the Senator. I was about to say to the Senator that the increased responsibilities coming out of new statutes passed by Congress are largely responsible for the previous increased personnel to which the Senator refers.

Now I wish to read from Mr. J. Edgar Hoover's annual report bearing upon this point:

During the fiscal year 1935, the investigative field of the Federal Bureau of Investigation was greatly enlarged—

That is the point to which the Senator from Tennessee referred.

It "was greatly enlarged." Why?

because of the approval by the President during May and June 1934 of a series of Federal statutes, creating jurisdiction for the Bureau in various types of cases which had not theretofore been covered by Federal legislation. The more prominent of these new Federal laws include those relating to the interstate transportation of stolen property, the robbery of banks organized or operating under laws of the United States or holding membership in the Federal Reserve System, interstate flight to avoid prosecution or giving testimony in certain cases, the extension of the Federal kidnapping and extortion statutes to include a greater variety of specific offenses, and the killing or assaulting of Federal officers.

This entire catalog of responsibilities is a new inventory since May and June 1934, as a result of new Federal laws. That is the reason for the previous increase in the appropriation to which the able Senator from Tennessee has referred.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McGUIRE in the chair). Does the Senator from Michigan yield to the Senator from Tennessee?

Mr. VANDENBERG. I yield to the Senator.

Mr. McKELLAR. It is true that those laws were added to the statute book last year. I do not believe any laws of that character have been enacted this year. And the Department had \$4,673,000 which it used for the purpose of enforcing those laws as well as other laws that came within its jurisdiction.

Now there has been added \$1,173,000 to that sum for the coming year, and surely, without any increase in the number of laws which have to be enforced, and, in view of the fact that they have spent only \$4,600,000, there is no necessity of our violating the Budget recommendation of



\$5,800,000. That represents an enormous increase. It is an increase of something like 25 percent, stating it offhand, for I have not the exact percentage. But \$4,673,000 was available during the present fiscal year, and next year there will be available \$5,800,000, which is the Budget estimate. We have a Budget law, and I think we ought to stand by the Budget law.

Mr. VANDENBERG. Mr. President, it does not make the slightest difference what the Senator from Tennessee has to say about relative arithmetic. This happens to be a problem in the realm of grim reality. It is a problem which involves the basic protection of life and property in the United States against major crime; and upon that subject the most expert witness in America is J. Edgar Hoover, head of the Bureau of Investigation. I stand with him to the last necessity which he may require. So do the American people. The record which that Bureau has made in the last few years is a brilliant record of a sort that challenges the complete and absolute confidence of practically every Member of the American Congress; and when on a question of crime prevention, when on a question of the protection of human society the Federal Bureau of Investigation says it needs 175 more men, I for one am unable to yield my judgment to the mathematics of the Senator from Tennessee. We are asked not to make the necessary appropriations to maintain 175 men. If the Senator from Tennessee—

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. VANDENBERG. I will yield in just a moment. If the Senator from Tennessee wants to save the cost of 175 or many, many more men I will join him in taking 175 men, or any other number, off the roll of 18,255 that are working—if that is the word—for Dr. Tugwell; I will join him in taking 175 off the roll of 43,641 men on the administrative staff who are working for Mr. Hopkins and his W. P. A.; I will join him in taking the 175 off the roll of the 19,548 that are still employed by the H. O. L. C.; I will join him in taking the 175 off the roll of the 2,422 who are still working for N. R. A., although it has been interred these 3 years past. If it is necessary to save the cost of 175 men, I respectfully submit that there are many, many places in this expanded, gargantuan personnel of the vast governmental structure now erected in Washington where it can be saved infinitely better—and with no loss to anybody but the job holders themselves—than to charge the economy to the G-men of the Department of Justice. I need but state these comparisons to vindicate my point. Countless other comparisons are similarly available.

Now let us see why the G-men of the Department of Justice need this additional force. It happens that at this moment there are 13,755 Federal cases pending for investigation in this Bureau. We all agree whenever a crime problem is discussed that delay is the curse of American justice. Yet when the chief investigatory arm of the Federal Government modestly asks for 175 more men to facilitate the process of investigation, the process of the pursuit and the prosecution of crime, it is suggested that, for some mathematical reason or other, the increase ought to be denied, although we confront the physical fact that there are 13,755 Federal cases now pending for investigation, and that 7,000 of them are unassigned. How do you expect, Mr. President, to reduce crime in America if we have 7,000 unassigned cases in this chief and highest crime-prevention branch of the American Government, and how are we ever going to face the American people in respect to this challenge if we deny a little increase of 175 men to that group upon which 120,000,000 people are today dependent to a greater degree than upon any other law-enforcement agency on earth for the protection and sanctity of life and property under the flag. The criminal world would rejoice to see the G-men curbed. Most other citizens would condemn the act as insufferable.

Is there any doubt on earth about the effective record that the G-men have made? Let us inspect one exhibit out of countless others. Since the Federal kidnaping statute was enacted on June 22, 1932, there have been 52 major kidnap-

ing cases in the United States. The G-men have ascertained the identity of the kidnapers in all these cases, resulting in 136 convictions, with penalties of 1,853 years and 28 life sentences. Is that or is it not the type of crime prevention and law enforcement in which the American people believe? It passes my comprehension how there can be any argument over the question of giving the G-men 175 more employees upon the urgent request of those who are held responsible for the administration of the Bureau of Investigation and in face of the willingness to make enormous appropriations in every other direction—for instance, \$200,000,000 or \$300,000,000, I repeat, to the Resettlement Administration under Dr. Tugwell. I do not know what they do with the money. I know one thing they do not do with the money; they certainly do not use it to answer their mail, because I have not been able to get an answer—or even an acknowledgment—to a question I submitted to Dr. Tugwell 2 weeks ago. Indeed, I seem to be having considerable trouble with my mail lately in several different directions.

There are plenty of places where we can pare, and where we ought to pare; but I respectfully submit that this is not the place to start. Let us start upon the hundreds of millions being wasted in other directions; not upon the relatively petty pennies which we spend upon the most effective single agency in the Government.

I think the American people want the G-men to have every equipment and facility which they believe they need in their war upon major crime. They do not want our first line of defense weakened. This is one place where, in my humble judgment, economy is false economy and where we are invited into penny-wisdom and pound-foolishness. Crime is the great American disgrace. To haggle over an item of only \$225,000 for fighting crime would be an even greater disgrace.

I think the committee amendment should be rejected, and I am going to ask for the yeas and nays upon the amendment.

Mr. GEORGE. Mr. President, I am not a member of the Appropriations Committee and I know very little about the Budget and very little about the men who compose the Bureau of the Budget; but when I scrutinize, even casually, this bill, which provides a net increase of \$705,615 above the House bill and shows a total decrease of \$225,000 taken away from the Bureau of Investigation of the Department of Justice, I have no difficulty in reaching the conclusion that the action taken by the Senate committee in reducing the appropriation of the Bureau of Investigation should be disagreed to.

I am quite satisfied that at this time the courts of this country would be powerless to administer the law in the face of the opposition of organized crime unless the courts were sustained and assisted by competent, well-manned, fully equipped Federal agencies.

I am not concerned, Mr. President, about the politics of the head of the Bureau of Investigation. I have had occasion to observe the activities of this Bureau, and if there is any bureau in the Government, in my opinion, that is justified this Bureau has justified itself. I think the suggestion to reduce the appropriation here, largely for the simple reason that the Budget Bureau has recommended it, has little to commend itself.

Mr. Edgar Hoover, the head of this Bureau, has said that the work demanded of the Bureau required an increase in the personnel of his force. That appeal was made to the House of Representatives. The House committee and the House itself recognized the justice and the necessity for this comparatively slight increase in this appropriation.

Mr. DUFFY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. GEORGE. I yield.

Mr. DUFFY. What is the difference in the amount that has been suggested and the amount the committee recommended?



Mr. GEORGE. The total decrease is \$225,000.

Mr. DUFFY. I am one of those who heartily approve of the statements made by the Senator from Georgia. If there is any one department or bureau that should not be curtailed, it is the Bureau of Investigation of the Department of Justice.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. McKELLAR. Request was made for 143 employees. It would require \$450,000 to pay those employees. That would leave only \$350,000 of the increase made this year. In other words, they are asking for 143 employees who would cost, at the highest rate of salary paid, to wit, \$3,200 each, \$450,000 in round numbers, and \$350,000 more has been added by the Budget and by the Senate committee.

Mr. GEORGE. What the Senator from Tennessee says may be true. I am not taking issue with him. What I am saying is simply that the head of this Bureau has asked for some increase in his appropriation. The House Appropriations committee recognized the necessity and justice for that increase. The House of Representatives itself has recognized the necessity for that increase. I want to say to my colleagues that the American people do not want this item in this appropriation bill decreased. I want to say further that there is not a single group of organized criminals in America who will not breathe easier if they find a disposition in the Congress to whittle down the appropriation for this Bureau.

Mr. President, one would think of \$225,000 as such a trifling sum as not to be worthy of mention. Certainly this \$225,000 ought to be given to the Bureau under all the circumstances. Have we not extended Federal jurisdiction, constantly expanded it, constantly called for additional forces to insure respectable administration of the Federal laws?

In view of organized crime in America, the power of the court to enforce the law in its jurisdiction in the old way has passed. This Bureau, or one like it, and even stronger than it is at the present day, is a necessity, an absolute necessity, if Federal law is to be enforced. If Federal law breaks down, under the constant disposition and necessity to increase and to expand Federal jurisdiction, we shall have permitted the break-down of respect for law and order in our country.

For a long number of years the anchor to which the American citizen tied himself was his confidence in the administration of the law in the Federal courts. The time has passed when the courts, unaided and unassisted, can effectively administer the laws. Crime is interstate, is international, and the law-enforcement agencies of no single State can reach the organized crime of the present hour. Congress itself has recognized it. As against the judgment of our industrious and able committee in this vital matter I am willing to put the judgment of Mr. Hoover and the judgment of the House committee and the judgment of the House of Representatives. I say again that the American people do not want this kind of economy, nor will they approve it.

Mr. President, I shall vote against the amendments reported by the committee reducing the appropriation for this Bureau.

Mr. COPELAND. Mr. President, I wish to apologize to the Senator in charge of the bill because as a member of the Appropriations Committee I have to take a stand against the proposal. I was not present when the amendments were written, but had I been I should have said a few of the things I want now to say.

In preparation for the publication of the report of the Committee on Crime referred to by the Senator from Michigan [Mr. VANDENBERG] I have reviewed the measures which we have brought here in one way and another and have had enacted into law. It is perfectly amazing to contemplate how many laws have been enacted to increase the power of the Federal Government in the apprehension of criminals.

A statement was made here about a month ago that law and order had broken down in certain sections of the country. Law and order never break down when it comes to the application of the Department of Justice through the Bureau of Investigation.

We have imposed upon that bureau new functions. For instance, one of the bills which the crime committee, so called, fathered, and perhaps mothered, provided that when a citizen is absent for 6 days from his home there is a presumption that a kidnaping has taken place and that State lines had been crossed. By reason of that one law, not to mention the others which have been referred to here, there has been given to the Department of Justice a degree of responsibility such as it never before had. How well has it measured up to that responsibility? We have but to read the reports to find that practically every major kidnaping crime perpetrated in the last 5 years has been solved by the investigators of the Department of Justice.

Mr. President, let me remind the Senate that last year, upon my insistence and the plea made by me that an objection be withheld, the Senate passed a bill—it was not enacted into law because the House has never dealt with it—but the Senate voted that there should be two additional inspectors from the Department of Justice assigned to each State in the Union, that 96 additional positions for new investigators should be created in order that through the various States there might be contacts with the Department of Justice, and in that way the effort to prevent crime promoted.

Mr. President, I agree with the appeal which has been made first by the Senator from Michigan [Mr. VANDENBERG], and secondly by my able friend from Georgia [Mr. GEORGE].

Mr. VANDENBERG. Mr. President, will the Senator from New York yield?

Mr. COPELAND. Certainly.

Mr. VANDENBERG. I should like to give the Senator one further exhibit to indicate the pressing character of the need for this additional relief in the Department of Justice. During the month of January the G-men were called upon to perform 4,592 hours of overtime work. Who is to say that that situation shall not be corrected in our governmental system?

Mr. COPELAND. I agree with the Senator in that particular matter. Let me invite the attention of the Senate to the printed hearings of the committee as found on pages 158-159. It will be found there that the Department has broken down the total sum of money to show how it would be spent. I am struck by the fact that there are a senior photographer, an assistant photographer, a chief fingerprint classifier, another fingerprint classifier, an assistant fingerprint classifier, and a student fingerprint classifier. What does that mean? I find on page 160 of the hearings that today 3,700 fingerprints are being received every day in the Department of Justice. There is in the Bureau a great collection of fingerprints, numbering, as I recall, about 5,000,000. On telegraphic request, in 24 hours practically any peace officer in the United States may have a verification of a suspicion that a given set of fingerprints are the fingerprints of a known criminal. That in itself is of tremendous value in the apprehension of criminals.

So I wish to join with other Senators in urging the rejection of the amendment. I am sure the chairman of the subcommittee is only representing the composite belief of the committee and not any personal view of his own; but I do urge that the Senate reject the amendment and leave the sum as originally fixed by the House.

Mr. AUSTIN. Mr. President, I also am opposed to this amendment.

I wish to call attention to a different reason why the employment of skilled investigators is of public service of sufficient interest to engage the support of Congress. The point I make is that innocent men are protected from unjust prosecution where a thorough and skillful and intelligent examination of the cases is made before prosecutions are started.



About a month ago—I think on March 2—I inserted in the RECORD of the Senate a press item which represented many similar items, indicating that the work of one of the special counsel of the Department of Justice, Colonel Ristine, who had been considering for some time the charge of conspiracy—which, of course, is a crime—and the charge of fraud made in the Senate with respect to cancellation of air-mail contracts, had resulted in some document being filed or some statement made in the Department of Justice tending to disprove all those accusations, and to show that there existed no cause for a criminal prosecution, and in fact there existed not even evidence that would support a civil suit.

That was on March 2. On April 6, 1936, I wrote to Hon. Homer S. Cummings, the Attorney General, as follows:

DEAR MR. ATTORNEY GENERAL: On February 29, 1936, the press published the information that a formal report would shortly be submitted to the President and to the Attorney General by Col. Carl L. Ristine, Special Assistant to the Attorney General, concerning an impartial legal study of the air-mail contracts and the cancellation of them.

It was expected that this report would be made public. If this report has been made, will you kindly furnish me a copy of it?

Sincerely yours,

I signed that letter and mailed it.

On April 8, 1936, I received from the Attorney General this reply:

MY DEAR SENATOR: I have your note of April 6.

The proposed report to which you allude has not been prepared. As a matter of fact, I saw the press statement which you mention. It was not based on any information furnished by the Department, and was probably only the prophecy of the journalist who wrote it.

With kind regards, sincerely yours,

HOMER S. CUMMINGS,  
Attorney General.

That was on April 8.

On April 16, 1936, there appeared in the Christian Science Monitor an article entitled:

#### REPORT ON CANCELED AIR MAIL LANGUISHES

(By a staff correspondent of the Christian Science Monitor)

WASHINGTON, April 16.—The famous "unfinished" Ristine report, which is understood to conclude that the grounds on which the Roosevelt administration canceled the air-mail contracts contain nothing which would justify either civil or criminal prosecution of the air lines, is likely to remain forever unfinished so far as the public is concerned.

And more, which I ask unanimous consent to have printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Without objection, the article will be incorporated in the RECORD.

The entire article is as follows:

[From the Christian Science Monitor of Apr. 16, 1936]

#### REPORT ON CANCELED AIR MAIL LANGUISHES

WASHINGTON, April 16.—The famous "unfinished" Ristine report, which is understood to conclude that the grounds on which the Roosevelt administration canceled the air-mail contracts contain nothing which would justify either civil or criminal prosecution of the air lines, is likely to remain forever unfinished, so far as the public is concerned.

Over a month ago it was reliably indicated that the report, based on a careful legalistic study of the alleged misbehaviors of the air lines under the Hoover administration, was nearing completion. It was indicated then that it would shortly be submitted to the Attorney General and then to the President, and it was alleged that the White House had given orders "to let it come on" and be made public, no matter how damaging it might prove to the administration. It was said the administration publicity chiefs had decided it better to risk the report than face the charge of another attempt at suppression.

It was learned authoritatively today, however, that, so far as the Department of Justice is concerned, the report is still "unfinished" after over 2 years of study. It was further suggested that "it may never be finished." Certainly no progress toward its completion has been made during the past month.

The political opposition was prompt to assume that this indicated the administration had thought better of the question of making the document public, particularly with elections impending, and had decided that it should never see the light of day. It was further assumed to confirm intimations of the damaging character of the evidence contained in the report.

#### BOUGHT LEGAL STATUS

However, it was pointed out at the Department of Justice that the study of the Hoover mail contracts was initiated as a matter

of course following the sensational charges growing out of the Black committee's investigation.

It was not intended to justify the Post Office Department's action in canceling the contracts, but merely to determine whether there was any ground for legal proceedings against the air lines.

Further, it is claimed, there was never any intention of making the report public. Its purpose was legalistic. This being the case, there would have been prosecutions if the findings warranted—other things being equal. But there would not necessarily have been a public report.

It is also pointed out that 12 of the air lines are now seeking redress in the Court of Claims for the cancellations of the contracts. The Department of Justice is, of course, defending the Government against the claims.

#### A POSSIBLE ASSUMPTION

A possible assumption is that it was decided to postpone any decision on prosecution until the result of the claims cases is known.

On the other hand, there is no disposition to deny the alleged unfavorable findings of Col. Carl L. Ristine, who conducted the special investigation for the Department. The understanding is that he found certain "irregularities" in the drafting of the contracts, but that in his opinion there was no evidence admissible in court which would justify either civil or criminal prosecution.

Whether the Department of Justice can properly be charged with deliberately suppressing information which properly belongs to the public is questionable.

The Department is constantly making studies looking to possible prosecution. When they reveal insufficient evidence for action, the matter ends there. Under normal circumstances there is no occasion for making public the findings.

There is a difference in this case, however, in that one branch of the Government has already penalized an industry for alleged illegalities. If the Post Office Department's action is not followed up by the Department of Justice it is prima facie indication that Mr. Farley's justification is not valid in court. But it is not the first time that Homer S. Cummings, Attorney General, has been forced to disagree with other branches of the administration and has refused to carry their cases into court.

Mr. AUSTIN. Mr. President, my interest in the matter, as I stated on March 2, is the state of legislation on this subject. If it be true that this careful and thorough investigation, running over a period of 2 years, has developed the facts the press have made public, it is for the benefit of the Senate of the United States and of all the people of the country that the Senate should step right out in front and repeal the vindictive features of the present air-mail law that are founded, if they are founded upon anything, upon the assumption that there was crime or fraud that justified the cancellation of the air-mail contracts.

At this point I should like to save the Senate the trouble of listening to section 9, subsection (d) of section 7 of the Air Mail Act by having it inserted in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 9. Subsection (d) of section 7 of such act is amended to read as follows:

"(d) No person shall be qualified to enter upon the performance of, or thereafter to hold an air-mail contract (1) if, at or after the time specified for the commencement of mail transportation under such contract, such person is (or, if a partnership, association, or corporation, has a member, officer, or director, or an employee performing general managerial duties, that is) an individual who has theretofore entered into any unlawful combination to prevent the making of any bids for carrying the mails: *Provided*, That whenever required by the Postmaster General or Interstate Commerce Commission the bidder shall submit an affidavit executed by the bidder, or by such of its officers, directors, or general managerial employees as the Postmaster General or Interstate Commerce Commission may designate, sworn to before an officer authorized and empowered to administer oaths, stating in such affidavit that the affiant has not entered nor proposed to enter into any combination to prevent the making of any bid for carrying the mails, nor made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person to bid or not to bid for any mail contract, or (2) if it pays any officer, director, or regular employee compensation in any form, whether as salary, bonus, commission, or otherwise, at a rate exceeding \$17,500 per year for full time: *Provided further*, That it shall be unlawful for any officer or regular employee to draw a salary of more than \$17,500 per year from any air-mail contractor, or a salary from any other company if such salary from any company makes his total compensation more than \$17,500 per year."

Mr. AUSTIN. This is a long section which carries out the prohibition against the officers and members of these companies whose contracts were canceled. That section of the law was the result of many statements made and considered



by the Senate, among which I read only two or three. One of them, inserted in the RECORD by the Senator from Tennessee [Mr. McKELLAR] as being a part of the opinion of the Solicitor for the Post Office Department, Mr. Karl A. Crowley, as of date February 6, 1934, contained this accusation:

Positive and direct evidence establishes a conspiracy between air-mail contractors and post-office officials to defraud the Government of the United States. Even if actual bribery is not proven, the beneficiaries of the conspiracy have admitted using personal and political influence to secure these contracts, extensions, consolidations, and route certificates in a manner that is vicious and fraudulent.

I need not read from the RECORD to have the Senate reminded of the fact that we had the air rendered with such words as "fraud", "collusion", "spoils", and all the opprobrious epithets that could be uttered against the air-mail contractors during the consideration of that bill, which resulted in that vindictive provision, subsection (d) of section 7; and the background of it is important to remember.

On March 8, 1934, the President sent a letter to the chairman of the Senate Committee on Post Offices and Post Roads recommending the enactment of a law which would reverse every feature of the McNary-Watres Act and make permanent not only the cancelation of contracts but the disqualification of the contractors, in which there appeared this phrase:

Obviously, also, no contract should be made with any companies, old or new, any of whose officers were party to the obtaining of former contracts under circumstances which were clearly contrary to good faith and public policy.

Later—just 24 hours later, March 9, 1934—the McKellar-Black bill to revise the air-mail laws, which carried out every feature of the recommendation, included this language:

And no person shall be eligible to bid for or hold an air-mail contract if it or its predecessor is asserting or has any claim against the United States because of a prior annulment of any contract by the Postmaster General.

That provision created such an uproar all over the United States that it was modified; and as it is now found in the law, the limitation placed upon it is for 1 year. If these good men could get into court within 1 year, then they might have a status that would raise the question of the honesty of the cancelation of those contracts. Otherwise, after 12 months they would be out.

This legislation stands as a punishment, a penalty, inflicted on citizens of the United States without trial, without any act of a court of justice. It is the type of punishment condemned in our own Constitution, which forbids bills of attainder—that is, acts of legislation which punish men without trial.

I am in favor of appropriating funds to the Department of Justice for the employment of skilled, honorable, expert investigators for the purpose, among others, of preventing unjust, unlawful prosecutions of innocent men.

Mr. McKELLAR. Mr. President, I wish to read from the House hearings, first from page 60. Mr. McMILLAN, the chairman of the subcommittee, was questioning Mr. Hoover about this item, and Mr. Hoover said:

I think it would be best, Mr. Chairman, to first refer to the amount which was expended by the Bureau for the fiscal year 1935. This amount was \$4,626,508. For the present fiscal year we were granted \$5,000,000, and for the next fiscal year we have requested, through the Bureau of the Budget—

This is the head of the Bureau of Investigation testifying—

We have requested, through the Bureau of the Budget, \$5,800,000, or an increase of \$800,000 over the present appropriation.

That is the testimony of Mr. Hoover about this very item. He had requested of the Bureau of the Budget for the coming year \$800,000 more.

Turning to page 62 we find how he spent that money:

Dealing now with the matter of personnel, I would like to ask for an increase in personnel at the seat of government. The appropriation for personnel at the seat of government for 1936 provides the sum of \$988,000 for 611 employees. For 1937 we ask in the estimate for personnel the sum of \$1,165,000, with a total personnel at Washington of 754 employees. This is an increase of \$177,000 over the previous appropriation and an increase of 143 employees.

Mr. President, it is perfectly clear from the testimony that the men he will employ will enter the service at a minimum salary of \$3,200, and this is what he said about them. I read from page 167 of the Senate committee hearings:

Those 143 employees, Senator, will be largely assigned to the identification division and to the crime laboratory. I think about 20—between 20 and 30—will be assigned to the file room or as stenographers in the Bureau; but the large balance of that number will be in the identification division, where the work has increased considerably. They will be fingerprint experts taken from the civil-service register, together with typists and index clerks.

Mr. President, when the estimates were made up, an increase of \$800,000 was deemed all that was necessary. The Budget estimate allowed for that \$800,000 increase. The House added \$225,000, and the Senate committee restored the appropriation to the figure of the Budget estimate, \$5,800,000.

Let us see what the additional men, those for whom Mr. Hoover requests an appropriation, will cost. One hundred and seventy-three, assuming that he pays every one of them \$3,200 a year, will cost only \$553,600, and there will be left nearly \$350,000 after that shall have been done. The appropriation is ample.

Let me call the attention of the Senate to what has been done. In 1928 the appropriation for this Bureau was \$2,250,000. In 1929, \$2,250,000 was appropriated, with a deficiency appropriation of \$95,000. In 1930, \$2,307,000 was appropriated with a deficiency appropriation of \$350,000. In 1931 the appropriation was \$2,781,000. In 1932 the appropriation was \$2,978,000. In 1933 the appropriation was \$2,775,000, and in 1934 the appropriation was \$2,589,000. In 1935, just 1 year ago, the appropriation was \$2,880,000.

On account of the laws which have been mentioned so frequently here, the laws which were passed last year, there was added to the regular appropriation for the Bureau a deficiency appropriation of a million and a half dollars. That made \$4,600,000 plus, and Congress for the fiscal year 1935-36 provided for an appropriation of \$5,000,000.

Virtually everything that was asked has been given. Everything Mr. Hoover and Budget Bureau recommended has been given, \$5,800,000. But for some reason the House added \$225,000 to the Budget estimate, and to the amount Mr. Hoover first asked, explaining how it was to be spent, including the amounts for these very employees. The \$5,800,000 more than pays for the employees, \$350,000 more, and it seems to me there is no use in appropriating a larger sum at this time.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. MINTON. Does the \$225,000 reduction of the committee reduce the estimate of Mr. Hoover?

Mr. McKELLAR. Not a particle. It is exactly the estimate which went to the Budget Bureau and which the Budget Bureau allowed.

We all know what the Budget law provides. The Budget law requires that estimates be furnished to the Bureau of the Budget, the Budget Bureau passes on them, and the law provides that the departments shall not ask for an increase over the Budget estimate. But the House provided \$225,000 additional.

Mr. President, that \$225,000 has not been estimated for, the Budget Bureau did not allow it, Mr. Hoover did not ask for it in the beginning, and the idea that we are going to hurt the service by not appropriating the additional \$225,000 is, to my mind, preposterous.

Mr. MINTON. Mr. President, can the Senator identify the \$225,000 added by the House somewhere in the appropriation bill and tell what it is for?

Mr. McKELLAR. It was just added by the House, and I do not believe there was any discussion about it. In the report there was a statement about it.

Mr. COPELAND. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. COPELAND. If the Senator will look at pages 158 and 159 of the hearings he will find the break-down of the expenditure of the \$6,025,000.



Mr. McKELLAR. Yes; it is found on pages 158 and 159 of the hearings.

Mr. COPELAND. I call attention particularly to the request which had to do with fingerprint classifiers, and so forth. It was brought out that there are received by the Bureau of Investigation about 3,700 prints a day, and, as I see the matter, the fact that we have a central place where fingerprints are collected and classified gives to every peace officer in the United States a new arm against the criminal.

Mr. McKELLAR. Mr. President, the Senate committee has allowed the full amount of the Budget estimate, as much as was asked for in the beginning, and it seems to me there is no reason in the world for adding \$225,000. One hundred and seventy-three additional employees would not cost any such sum as that, and no such sum is asked for. So, Mr. President, I submit the matter to the Senate to do whatever it wishes.

Mr. HALE. Mr. President, when this matter came before the Committee on Appropriations, after listening to the testimony I concluded that the House had done about right in increasing the appropriation, and I made what fight I could to have the House appropriation adopted, but I was not successful.

Mr. Hoover came before the committee, and he made an excellent impression on me. I believe he was discussing matters with which he is thoroughly familiar, and I think he showed that he needs the additional amount provided by the House over and above the Budget figures, if he is to carry on his Bureau as it should be carried on.

In the House hearings Mr. Hoover made the following statement:

The actual personnel at the seat of Government, working in the main Bureau, on the investigational side, is 300; in the identification division, the number of personnel actually working now is 473, and in the statistical division the number is 13. Under the set-up in the requested appropriation—

That is, the set-up under the Budget figures which have been adopted by the Committee on Appropriations—

there will be 275 in the main Bureau, or 25 less than we have today; 468 in the identification division, or 5 less than we have today, and 11 in the statistical division, 2 less than we have today.

Senators who have spoken against the committee's action have shown, and shown clearly, that the work of the Bureau of Investigation is increasing all the time, due in large part to the new legislation which has been enacted during the past few years. That more people are now at work in the home office of the Bureau than would be allowed under the Budget set-up is accounted for by the fact that it has been necessary to cut down on the field work and bring field workers to Washington to do the work here, and, of course, the field work is of the greatest importance if the Bureau is to function successfully.

Another matter which has been spoken of is that the Bureau of Investigation brings back money to the Government.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HALE. I yield.

Mr. McKELLAR. It was testified that the Bureau brought back to the Government \$38,000,000 in fines. As a matter of fact, when the report of the Attorney General was examined, it was found that about two and a half million dollars was actually brought in to the Government.

Mr. HALE. If the Senator will allow me, I will explain that. I think they report in fines and recoveries a sum in the neighborhood of \$38,000,000. In that \$38,000,000 a certain amount, probably between two and three million dollars, comes in as fines which are actually paid to the Government. The other sums that are recovered in the different cases do not go to the Government, but go to private individuals.

Mr. McKELLAR. No, Mr. President, I think the Senator is mistaken about that. The way it was accounted for was that \$38,000,000 were counted as being saved to the Government.

Mr. HALE. In the form of fines and recoveries.

Mr. McKELLAR. As being saved to the Government on war-risk insurance cases, which included every war-risk insurance case that was tried in all the courts of the United States.

Mr. HALE. Mr. President, the Senator is mistaken. The war-risk insurance savings to the Government are \$70,000,000, as the House report, I think, shows. The money returned to the Government and to private individuals in the form of fines and recoveries is \$38,000,000.

Mr. McKELLAR. If the Senator will look on page 174 of Mr. Hoover's testimony, he will find this statement:

Fines (all cases)—

He claims credit for all cases of fines—

\$333,974.68.

Recoveries (automobiles, etc.), \$2,209,278.55.

Court of Claims savings, \$400,270.85.

I'm Alone case, \$336,136.68.

War-risk litigation, savings—

Savings to the Government of every war-risk case—

\$35,202,025.41.

Mr. HALE. Mr. President, I will read from the report of the Committee of the House of Representatives:

Investigation of war-risk insurance cases, a somewhat prosaic task in comparison with other duties, but of extreme importance in stamping out fraud and conserving Government moneys, has resulted in investigations of 6,352 cases by the agents of the Bureau. Since the work was taken over from the Veterans' Administration in September of 1933 awards to plaintiffs in these cases have amounted to about \$9,000,000, while savings to the Government in amounts claimed but not allowed aggregate nearly \$72,000,000.

The discrepancy between what the Senator from Tennessee said and what I said is probably accounted for by the fact that the figures I gave covered a period of 2 years. The figures show the financial value of the work the Bureau has done.

I desire to call attention to one other matter. The Senator from Michigan [Mr. VANDENBERG] referred to the cases that the Department had not been able to handle on account of not having sufficient funds with which to operate. I have here, on page 95 of the House hearings, a list of the unassigned cases as of February 1, 1936. In the list of unassigned cases which the Bureau has not been able to take up because it did not have money enough to take them up, I find 33 kidnapping cases; extortion cases, 53; narcotics, 1; Veterans' Administration matters, 28; cases arising under National Motor Vehicle Theft Act, 609; and so forth and so on. This list indicates the great need for additional funds on the part of the Bureau if it is to handle successfully the matters that are put before it.

I very much hope the committee amendment will be rejected.

Mr. VANDENBERG. Mr. President, for the moment I withdraw my request for the yeas and nays and suggest that a viva-voce vote be taken. It is my understanding that the question arises on the committee amendment, and that those who are in favor of reducing the appropriation will vote "yea" and those who are opposed to reducing it will vote "nay."

The PRESIDING OFFICER. The Senator has correctly stated the parliamentary situation.

Mr. McKELLAR. Mr. President, so that there may not be any question about the kidnapping cases, I read from Mr. Hoover's testimony as follows:

How many kidnapping cases have you in your Department at the present time?

Mr. HOOPER. Do you mean active?

Yes.

Mr. HOOPER. We have three active that we are working on at the present time.

Mr. HALE. Mr. President, that exactly confirms what I said: 3 active and 33 inactive cases which for one reason or another they were unable to handle.

Mr. ROBINSON. Mr. President, I should like to inquire whether it is conceded that these cases are inactive because the funds available are insufficient to enable the Investigation Bureau to proceed. Is there any dispute about that?



Mr. HALE. I cannot give the Senator any information as to that. I simply have the list of cases that are on the inactive list, and we were assured by Mr. Hoover that he could not take up many of the cases that were on the inactive list because of lack of funds.

Mr. McKELLAR. Mr. President, if I may, I will say to the Senator from Arkansas that the Budget estimate and the Senate committee have increased the appropriation this year over last year by the enormous sum of \$800,000.

Mr. ROBINSON. Mr. President, I understand that; but the Congress, by measures we have passed here, has enormously increased the work of the Bureau, and the thought in my mind is one that has been suggested by publications I have read—that it is not good economy to deny this agency the amount that is alleged to be necessary to enable it to perform its functions with the high degree of efficiency that has marked its service during recent months.

It has not been many months since the country was terrified by kidnaping cases occurring in many localities; and it was the promptness, the diligence, the irresistible drive that was made by this Bureau that struck terror to the hearts of the gangsters who at that time were threatening to overrun the country.

I doubt if anything has even been done more splendidly, more irresistibly, than the drive that has been made against these criminal gangsters. I would not revive, by any act or vote of mine, one hope in the bosom of a gangster by withholding the means that are necessary to pursue him around this earth, to the very gates of hell, if possible, and to wrestle with him for his liberty or his blood.

I have not had the opportunity of studying the case thoroughly. For my part, I should be very reluctant to cast a vote that would indicate an unwillingness to supply any reasonable funds that may be used in stopping and preventing the reign of terror which has existed through this country in recent years because of the power of the gangsters.

Mr. McKELLAR. Mr. President, all the laws which the Senator from Arkansas has just mentioned, because of the enactment of which additional work was put upon the Bureau of Investigation, were passed last year, and the Congress then allowed the Bureau \$5,000,000. The Senator says the work has been well done. Let us assume that to be so.

Mr. ROBINSON. I should like information on the subject. Is it not true that it has been well done and fearlessly done?

Mr. McKELLAR. I do not know; I cannot say; I am not thoroughly informed about the matter. If I expressed a view upon it, I might make a mistake, and I do not want to make a mistake. I am just as much opposed, however, to crime of any kind as is any other Member of this body; but the laws to which reference has been made were passed last year; \$5,000,000 was put in the hands of the Bureau to enforce those laws, and Senators say that they have been well enforced. Let us assume that to be so. We have added to the appropriation by this bill \$800,000 for additional help in enforcing these laws. So, under all the circumstances, since the Budget Bureau, which heard all the facts, allowed \$800,000 additional to what was allowed last year, and we have a Budget law which we all propose to observe, it seems to me that that addition is sufficient.

The PRESIDING OFFICER. The question is on the amendment reported by the committee on page 36, lines 13 and 14. The amendment was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 36, at the end of line 20, to strike out "\$100" and insert "\$50", so as to make the proviso read:

*Provided*, That section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed the sum of \$50.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice", on page 38, line 16, to strike out "\$420,000" and insert "\$435,000", so as to read:

Enforcement of antitrust and kindred laws: For the enforcement of antitrust and kindred laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, including not to exceed \$100,000 for personal services in the District of Columbia, \$435,000.

The amendment was agreed to.

The next amendment was, under the heading "Judicial—United States Court for China", on page 43, line 25, after the name "China", to insert "allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), not to exceed \$1,700 for any one person", and in line 19, after the word "court", to strike out "\$41,610" and insert "\$49,375", so as to read:

United States Court for China: For salaries of the judge, district attorney, and other officers and employees of the United States Court for China; allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), not to exceed \$1,700 for any one person; court expenses, including reference and law books, printing and binding, ice and drinking water for office purposes, traveling expenses of officers and employees of the court, and under such regulations as the Attorney General may prescribe of their families and effects, in going to and returning from their posts; preparation and transportation of remains of officers and employees who may die abroad or in transit while in the discharge of their official duties, to their former homes in the United States, or to a place not more distant for interment and for the ordinary expenses of such interment; the expense of maintaining in China American convicts and persons declared insane by the court, rent of quarters for prisoners, ice and drinking water for prison purposes, including wages of prison keepers, and the expense of keeping, feeding, and transporting prisoners and persons declared insane by the court, \$49,375.

Mr. COPELAND. Mr. President, may I ask the Senator in charge of the bill, was any effort made by the Department of Justice to increase the allowance for subsistence of district judges who are called to serve in jurisdictions other than those to which they are regularly assigned?

Mr. McKELLAR. No; there was not. No estimate was made for it, and no complaint was made in reference to the Budget estimate that was presented.

Mr. COPELAND. I am sorry, particularly because of conditions in the southern district of New York. If the subsistence allowance were \$10 a day, as it used to be, instead of \$5 a day, as it is now, there would be no difficulty in having judges assigned to take care of the cases; but, as it is, judges assigned to that district cannot live on the subsistence allowed. They cannot hire a room in New York for \$5 a day.

Mr. WAGNER. Mr. President, if my colleague will yield, I should like to say to him that I am going to introduce a bill tomorrow for the purpose of authorizing an increase in the allowance from \$5 to \$10 a day, and I am very hopeful that the bill may be enacted, for I agree with what my colleague has said.

Mr. COPELAND. I am very glad to learn of the bill that my colleague is going to introduce; I should say that there are a thousand reasons why it ought to be enacted, and I hope it will be speedily enacted.

Mr. McKELLAR. Mr. President, the present law authorizes the charges and fees and allowances, and, of course, the Appropriations Committee cannot go beyond them. The Senator from New York is doing exactly the right thing if he wants to change the law to introduce a bill to that effect.

Mr. WAGNER. That is what I propose to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee on page 43, line 25.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, under the subhead "Marshals, and other expenses of United States courts", on page 45, line 8, after the word "marshals", to strike out "\$3,285,000" and insert "\$3,300,000", so as to read:

Salaries and expenses of marshals, etc.: For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so

specifically directed by the Attorney General, traveling expenses, purchase, when authorized by the Attorney General, of 10 motor-propelled passenger-carrying vans at not to exceed \$2,000 each, and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals, \$3,300,000.

The amendment was agreed to.

The next amendment was, on page 45, line 16, after the word "attorney", to strike out "\$3,063,000" and insert "\$3,083,510", so as to read:

Salaries and expenses of district attorneys, etc.: For salaries, traveling, and other expenses of United States district attorneys and their regular assistants, clerks, and other employees, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, \$3,083,510.

The amendment was agreed to.

The next amendment was, on page 45, line 21, after the words "special cases" and the comma, to strike out "and for payment of foreign counsel employed by the Attorney General in special cases, \$500,000" and insert "\$700,000"; and in line 25, after the word "exceed", to strike out "\$10,000" and insert "the rate of \$10,000 per annum", so as to read:

Salaries and expenses of special attorneys, etc.: For compensation and traveling expenses of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, \$700,000: *Provided*, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed the rate of \$10,000 per annum.

The amendment was agreed to.

The next amendment was, on page 46, line 12, after the word "offices", to strike out "\$2,095,650" and insert "\$2,125,000", so as to read:

Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, traveling expenses pursuant to the Subsistence Expense Act of 1926, as amended (U. S. C., title 5, secs. 821-833), and other expenses of conducting their respective offices, \$2,125,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 22, to insert:

The salaries of all judges, the Attorney General, Assistant Attorneys General, the Solicitor, district attorneys, marshals, and clerks of court shall be allotted out of the appropriations made herein and retained by the Department and paid to such officials severally, as and when such salaries fall due and without delay; and no transfer of such allotments to any other use or any other bureau or division shall be made.

The amendment was agreed to.

The next amendment was, under the subhead "Penal and correctional institutions", on page 56, line 24, before the word "for", to strike out "\$111,000" an insert "\$113,625"; and in line 25, after the word "employees", to strike out "\$215,000" and insert "\$236,470", so as to read:

National Training School for Boys, Washington, D. C.: For the National Training School for Boys, Washington, D. C., including not to exceed \$750 for the purchase of one motor-propelled passenger-carrying vehicles and expenses of a suitable attendant to accompany the remains of deceased inmates to their homes for burial; and including not to exceed \$113,625 for salaries and wages of all officers and employees, \$236,470.

The amendment was agreed to.

The next amendment was, under the heading "Title III—Department of Commerce—Office of the Secretary", on page 60, after line 23, to insert:

Not to exceed \$10,000 of the appropriations for the Department of Commerce for the fiscal year ending June 30, 1937, for the purchase of equipment or supplies shall be available for the purchase of letters patent, applications for letters patent, and licenses under letters patent that pertain to equipment, supplies, or business which the said Department of Commerce is authorized to purchase, use, or transact when the Secretary of Commerce shall personally certify that such purchase is necessary in the public interest.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Air Commerce", on page 61, line 25, after the word "grant", to strike out "\$942,920" and insert "\$832,920"; so as to read:

Establishment of air-navigation facilities: For the establishment of aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; investigation, research, and experimentation to develop and improve aids to air navigation; aircraft, aircraft power plants, and accessories; for personal services in the field; purchase of motor-propelled passenger-carrying vehicles for official use in field work, including their exchange; replacement, including exchange, of not to exceed two airplanes for service use and two for experimental purposes; special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, \$832,920, of which not to exceed \$150,000 shall be available immediately:

Mr. COPELAND. Mr. President, I wish I might have the attention of the Senate, and particularly of the Senator in charge of the bill, to this item. It has to do with safety in the air.

Mr. McKELLAR. Mr. President, may I call the attention of the Senator from New York to the item in line 10, page 62, immediately following the page on which the pending amendment appears? The amount has been restored at that point and even more granted. So the committee has done just what the Senator has in mind ought to have been done.

Mr. COPELAND. I appreciate that greatly. But I intend, when I have the right to offer an amendment, to suggest a change in the language in the paragraph we are now discussing. I observe, however, that the committee has included the additional amount.

Mr. McKELLAR. It has been taken out of one item and more than made up in the next, in accordance with what the Senator has suggested.

Mr. COPELAND. Very well. My only regret is that the amount allowed was not larger, but at least the committee has done what it could.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee on page 61, line 25.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the Committee on Appropriations.

The next amendment was, on page 62, line 10, after the word "field", to strike out "\$4,523,080" and insert "\$4,764,080", so as to read:

Maintenance of air-navigation facilities: For repairs, alterations, and all expenses of maintenance and operation of air-navigation facilities, motor-propelled passenger-carrying vehicles for official use in field work, and airplanes (including accessories and spare parts), including personal services in the field, \$4,764,080.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce", on page 63, line 20, after the name "District of Columbia", to strike out "\$321,400" and insert "\$328,800"; so as to read:

Salaries: For the director and other personal services in the District of Columbia, \$328,800.

The amendment was agreed to.

The next amendment was, on page 64, line 19, to strike out "\$394,300" and insert "\$410,000"; so as to read:

Promoting commerce in Europe and other areas: Investigations in Europe and other areas for the promotion and development of the foreign commerce of the United States, \$410,000.

The amendment was agreed to.

The next amendment was, on page 64, line 22, after the name "United States", to strike out "\$192,400" and insert "\$201,000"; so as to read:

Promoting commerce in Latin America: Investigations in Latin America for the promotion and development of the foreign commerce of the United States, \$201,000.

The amendment was agreed to.

The next amendment was, on page 64, line 26, after the name "United States", to strike out "\$123,000" and insert "\$129,000"; so as to read:

Promoting commerce in the Far East: Investigations in the Far East for the promotion and development of the foreign commerce of the United States, \$129,000.

The amendment was agreed to.



The next amendment was, on page 65, line 3, after the name "United States", to strike out "\$33,700" and insert "\$38,000"; so as to read:

Promoting commerce in Africa: Investigations in Africa for the promotion and development of the foreign commerce of the United States, \$38,000.

The amendment was agreed to.

The next amendment was, on page 66, line 20, after the word "therewith", to strike out "\$500,000" and insert "\$525,000"; and in line 21, after the word "exceed", to strike out "\$495,000" and insert "\$520,000", so as to read:

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing, insofar as they relate to the important export industries of the United States, including personal services, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, ice and drinking water for office purposes, and all other incidental expenses connected therewith, \$527,000, of which amount not to exceed \$520,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 72, line 17, after the figures "\$35,000", to insert "to be immediately available", so as to read:

For expenses for securing information for and compiling the census reports provided for by law, including personal services in the District of Columbia and elsewhere; compensation and expenses of enumerators, special agents, supervisors, supervisor's clerks, and interpreters in the District of Columbia and elsewhere; traveling expenses; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside the District of Columbia, not to exceed \$2,500 for the employment by contract of personal services for the preparation of monographs on census subjects; not to exceed \$54,000 for constructing tabulating machines and repairs to such machinery and other mechanical appliances, including technical, mechanical, and other personal services in connection therewith in the District of Columbia and elsewhere, and the purchase of necessary machinery and supplies; and not to exceed \$1,000 for expenses of attendance at meetings concerned with the collection of statistics when incurred on the written authority of the Secretary of Commerce; \$1,900,500, of which amount not to exceed \$1,450,000 may be expended for personal services in the District of Columbia, including not to exceed \$51,000 for temporary employees who may be appointed by the Director of the Census under civil-service rules, at per-diem rates to be fixed by him without regard to the provisions of the Classification Act of 1923, as amended, for the purpose of assisting in periodical inquiries, and not to exceed \$35,000, to be immediately available, shall be expended for printing accumulated census data.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation and Steamboat Inspection", on page 73, line 20, after the word "services", to insert a comma and "in the District of Columbia and elsewhere", so as to read:

Salaries and general expenses: For salaries of shipping commissioners, steamboat inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motor boats and employ such persons (including temporary employees) as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats to prevent overcrowding, and to secure uniformity in the admeasurement of vessels; fees to witnesses; traveling expenses of the personnel of the Bureau and field offices; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services, in the District of Columbia and elsewhere, \$1,748,500.

The amendment was agreed to.

The next amendment was, under the subhead "National Bureau of Standards", on page 76, line 4, after the word "engineering" and the comma, to strike out "\$780,000" and insert "\$800,000", so as to read:

Testing, inspection, and information service: For calibrating and certifying measuring instruments, apparatus, and standards in terms of the national standards; the preparation and distribution of standard materials; the broadcasting of radio signals of standard frequency; the testing of equipment, materials, and supplies in connection with Government purchases; the improvement of

methods of testing; advisory services to governmental agencies on scientific and technical matters; and supplying available information to the public, upon request, in the field of physics, chemistry, and engineering, \$800,000.

The amendment was agreed to.

The next amendment was, on page 76, line 19, after the word "standards" and the comma, to strike out "\$669,000" and insert "\$671,500"; so as to read:

Research and development: For the maintenance and development of national standards of measurement; the development of improved methods of measurement; the determination of physical constants and the properties of materials; the investigation of mechanisms and structures, including their economy, efficiency, and safety; the study of fluid resistance and the flow of fluids and heat; the investigation of radiation, radioactive substances, and X-rays; the study of conditions affecting radio transmission; the development of methods of chemical analysis and synthesis, and the investigation of the properties of rare substances; investigations relating to the utilization of materials, including lubricants and liquid fuels; the study of new processes and methods of fabrication; and the solutions of problems arising in connection with standards, \$671,500.

The amendment was agreed to.

The next amendment was, on page 77, line 2, after the word "performance" and the comma, to strike out "\$109,000" and insert "\$110,000"; so as to read:

Standards for commerce: For cooperation with Government purchasing agencies, industries, and national organizations in developing specifications and facilitating their use; for encouraging the application of the latest developments in the utilization and standardization of building materials; for the development of engineering and safety codes, simplified-practice recommendations, and commercial standards of quality and performance, \$110,000.

The amendment was agreed to.

The next amendment was, on page 77, line 21, after the word "Standards", strike out "\$1,831,000" and insert "\$1,854,500", and in line 22, after the word "exceed", to strike out "\$1,615,000" and insert "\$1,630,000", so as to read:

Total, National Bureau of Standards, \$1,854,500, of which amount not to exceed \$1,630,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses", on page 78, line 3, after the name "District of Columbia", to strike out "\$121,000" and insert "\$125,600", so as to read:

Salaries: For the Commissioner and other personal services in the District of Columbia, \$125,600.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries", on page 87, line 24, after the name "District of Columbia", to strike out "\$154,800" and insert "\$156,420", so as to read:

Commissioner's office: For the Commissioner and other personal services in the District of Columbia, \$156,420.

The amendment was agreed to.

The next amendment was, on page 90, line 5, before the words "of which", to strike out "\$60,800" and insert "\$62,000", so as to read:

Fishery industries: For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, including pay of permanent employees not to exceed \$36,200, compensation of temporary employees, travel and preparation of reports, including temporary employees in the District of Columbia not to exceed \$1,800, and all other necessary expenses in connection therewith, including the purchase (not to exceed \$500), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field work of the Bureau of Fisheries, \$62,000, of which \$2,000 shall be immediately available for the construction of a fishery byproducts laboratory at Seattle, Wash., including the acquisition of a site.

The amendment was agreed to.

The next amendment was, on page 91, after line 2, to insert:

Enforcement of black bass law: To enable the Secretary of Commerce to carry into effect the act entitled "An act to amend the act entitled 'An act to regulate interstate transportation of black bass, and for other purposes', approved May 20, 1926" (U. S. C., title 16, secs. 851-856), approved July 2, 1930 (46 Stat. 845-847), \$15,000, of which not to exceed \$1,800 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 91, line 23, after the word "services", to strike out "\$10,000" and insert "\$12,500", so as to read:

**Fisheries Cooperative Marketing Act:** To enable the Secretary of Commerce to execute the functions imposed upon him by the act entitled "An act authorizing associations of producers of aquatic products", approved June 25, 1934 (48 Stat., p. 1213), including traveling expenses and contract stenographic reporting services, \$12,500, of which not to exceed \$9,500 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Title IV—Department of Labor—Office of the Secretary", on page 100, line 7, after the word "industry", to strike out "\$124,500" and insert "\$140,000"; and in line 8, after the word "exceed", to strike out "\$70,000" and insert "\$83,580", so as to read:

**Promotion of health, safety, employment, etc.:** For salaries and expenses in connection with the promotion of health, safety, employment stabilization, and amicable industrial relations for labor and industry, \$140,000, of which amount not to exceed \$83,580 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Labor Statistics", on page 103, line 1, after the word "Bureau", to strike out "\$748,000" and insert "\$884,600"; and in line 2, after the word "exceed", to strike out "\$600,000" and insert "\$640,000", so as to read:

**Salaries and expenses:** For personal services, including temporary statistical clerks, stenographers, and typewriters in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; traveling expenses, including expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor; purchase of periodicals, documents, envelopes, price quotations, and reports and materials for reports and bulletins of said Bureau, \$884,600, of which amount not to exceed \$640,000 may be expended for the salary of the Commissioner and other personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "United States Employment Service", on page 110, line 1, after the word "and" where it occurs the second time, to strike out "miscellaneous expenses, \$2,785,000, of which amount not to exceed \$885,000 shall be available for the Veterans' Placement Service, the Farm Placement Service, District of Columbia Public Employment Center, and all other purposes, including not to exceed \$197,500 for personal services in the Department in the District of Columbia, and not more than \$1,900,000 shall be available for apportionment among the several States: *Provided*, That the conditional indefinite appropriation to supply the Government's apportionments to States qualifying under said act for the first time provided for in appropriation act of March 22, 1935 (49 Stat. 104), shall continue available for the fiscal year 1937", and in lieu thereof to insert "miscellaneous expenses, \$2,807,500, of which amount not to exceed \$907,500 shall be available for the Veterans' Placement Service, the Farm Placement Service, District of Columbia Public Employment Center, and all other purposes, including not to exceed \$220,000 for personal services in the Department in the District of Columbia, and the remainder shall be available for payment to the several States in accordance with the provisions of the said act of June 6, 1933, as amended: *Provided*, That apportionments for the fiscal year 1937 shall be on the basis of a total apportionment to all States of \$3,000,000, and in order to supply the Government's apportionments to States under such act during the fiscal years 1936 and 1937, which are not capable of being supplied under the foregoing appropriation, there is hereby appropriated so much as may be necessary to supply such apportionments, but not more than \$1,675,000", so as to read:

For carrying out the provisions of the act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933; personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings concerned with the work of the United States Employment Service when specifically authorized by the Secretary of Labor; law books, books

of reference, newspapers and periodicals, printing and binding, supplies and equipment, telegraph and telephone service, and miscellaneous expenses, \$2,807,500, of which amount not to exceed \$907,500 shall be available for the Veterans' Placement Service, the Farm Placement Service, District of Columbia Public Employment Center, and all other purposes, including not to exceed \$220,000 for personal services in the Department in the District of Columbia, and the remainder shall be available for payment to the several States in accordance with the provisions of the said act of June 6, 1933, as amended: *Provided*, That apportionments for the fiscal year 1937 shall be on the basis of a total apportionment to all States of \$3,000,000, and in order to supply the Government's apportionments to States under such act during the fiscal years 1936 and 1937, which are not capable of being supplied under the foregoing appropriation, there is hereby appropriated so much as may be necessary to supply such apportionments, but not more than \$1,675,000.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments appearing in the bill.

Mr. McKELLAR. On behalf of the committee, I offer an amendment, to come in on page 28, and ask the clerk to read it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 28, in line 6, after the word "salary", it is proposed to insert the words "or honorarium."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. I offer two other amendments on behalf of the committee, and ask that the first one be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 80, line 21, it is proposed to strike out "\$4,034,000", and in lieu thereof to insert "\$4,424,000, of which \$390,000 shall be immediately available for repairs, etc., due to storm and ice damage."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee. The amendment was agreed to.

Mr. BULKLEY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 113, after line 5, after the amendment heretofore agreed to, it is proposed to insert the following:

SEC. 4. Great Lakes Exposition: For the expenses of the participation of the Government of the United States in the Great Lakes Exposition as provided for by Senate Joint Resolution 233, including the reimbursement of other appropriations from which payments may have been made for any of the purposes therein specified, to be immediately available, \$275,000.

Mr. McKELLAR. Mr. President, may I ask the Senator from Ohio if the amount proposed by the amendment has been authorized or has the amendment otherwise been brought within the rule?

Mr. BULKLEY. The joint resolution authorizing the appropriation has passed both Houses of Congress, but has not as yet been signed by the President. It is in order under the rule.

Mr. McKELLAR. It would be in order under our rules, as I understand, and I have no objection to the amendment going to conference, at any rate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. BYRNES. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated:

The CHIEF CLERK. At the end of the bill it is proposed to insert the following:

That in passing upon applications made for compensation under the provisions of the item for "Payment to cotton ginner" contained in title I of the Supplemental Appropriation Act, fiscal year 1936 (Public Law No. 440, 74th Cong.), and in making payments pursuant to such applications, the Secretary of Agriculture is authorized and directed, in the interest of saving as much administrative expense as possible and in order to avoid delay in passing upon such applications, to accept as sufficient proof in connection



with any such application, proof of the number of bales ginned by the applicant during the period June 1, 1935, to February 10, 1936, inclusive: *Provided*, That no payment shall be made on any application for such compensation unless the application is filed prior to September 1, 1936.

Mr. BYRNES. Mr. President, let me explain the purpose of the amendment. The supplemental appropriation bill authorized the payment to cotton ginneries of an amount to compensate them for work done in the administration of the Bankhead Act. In order to make such payments the Agricultural Department prepared forms for the ginneries to file showing the number of bales ginned. These applications they proposed to check. The Comptroller General, however, took the position that under the language of the act he would have to require an investigation in each case in order to determine the actual expense incurred by the applicant and whether or not it had been passed on to any other person. The language of the original act may justify the interpretation of the Comptroller.

The estimate of the Department of Agriculture is that to administer the law in accordance with the requirement of the Comptroller General would cost \$684,400. The forms that were prepared by the Department of Agriculture and the investigations they intend to make would involve an administrative cost of not exceeding \$38,000. It certainly is the desire of Congress to have the Department administer the fund in the most inexpensive manner possible. It can be done by the adoption of this amendment fixing the proof to be required by the Comptroller General.

Mr. GEORGE. Mr. President, may I ask the Senator from South Carolina if this is not what we thought we had done in the previous appropriation bill?

Mr. BYRNES. It is. It is what Congress intended to do and what we thought would be done, and that the payments would have been made long ago. They have not been made because of the difference in views of the Department of Agriculture and the General Accounting Office as to the law.

Mr. GEORGE. The compensation to the ginneries has been regarded as just by all those who appreciate the work put upon them.

Mr. BYRNES. It has been; but if this amendment be not adopted a large percentage of the money will have to be paid for costs of administration.

Mr. CONNALLY. Mr. President, I understand the Senator's amendment simply provides that 25 cents per bale shall be paid and do away with all the red tape of investigation?

Mr. BYRNES. That is the effect, that upon satisfactory proof of the number of bales ginned it shall be accepted as sufficient proof of the expense incurred, and then payment can be made without sending an investigator to each county to examine the books of the cotton ginneries.

Mr. CONNALLY. It would really result in economy?

Mr. BYRNES. That is correct.

Mr. McKELLAR. As I understand, the Senator from South Carolina had already given the necessary notice to make the amendment in order at this time on the bill?

Mr. BYRNES. I did give such notice.

Mr. McKELLAR. I think the amendment should be adopted by all means. I am very heartily in favor of it, and hope the Senate will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. DIETERICH. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 30, it is proposed to strike out all after the word "each", in line 16, down to and including line 22, as follows:

*Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 percent thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim.

Mr. McKELLAR. In other words, the Senator desires to strike out the proviso?

Mr. DIETERICH. Yes.

Mr. McKELLAR. Will the Senator explain his purpose?

Mr. DIETERICH. Mr. President, this proviso is in connection with the appropriation for the settlement and adjustment of claims between nationals of the United States and the Government of Mexico and the nationals of Mexico with the Government of the United States. Two conventions were held, one on September 8, 1923, and one on September 10, 1923. These conventions entered into protocols whereby it was agreed that the agency set up to adjust these claims would adjust them for the two Governments and that the respective Governments would pay to their own nationals the amounts of the claims, and the Governments would make settlement as between the nations when the claims were finally paid.

The proviso in question seeks arbitrarily to assess as costs 5 percent of the amount of the claim regardless of what the actual expense was in adjudicating the claim and regardless of the amount of the claim.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DIETERICH. Certainly.

Mr. McKELLAR. We had no hearings on this matter. It was not in controversy at all and was not mentioned in the committee, so far as I now recall. If the Senator desires, I am willing to accept the amendment and take it to conference, but I cannot say what might happen to it there.

Mr. DIETERICH. I can assure the Senator I do not want the amendment to be accepted without explanation, because it happens that among the nationals who presented claims before the General Claims Commission was the Illinois Central Railroad, a corporation chartered by the State of Illinois, a corporation which pays into the State treasury of Illinois a certain percentage of its earnings. This railroad company had sold to the Mexican Government some 74 locomotives for a consideration of something like \$1,400,000. They had been sold some years prior to the time the conventions met, and the interest which had accrued amounted approximately to \$400,000.

There was no controversy about the claim. It took no time to adjust the claim. One of the defenses made when the claim was presented to the Commission was that there was no controversy. The fact is that the agents of the Illinois Central Railroad Co. had negotiated a settlement with the Government of Mexico whereby they were to receive some \$1,400,000.

When the Claims Commission was created the company was informed that if it proceeded with that settlement, which contemplated payment of the claim at the rate of \$100,000 per month and under which settlement it would have been long since paid, the matter would be taken out of the hands of the Claims Commission and the railroad company would be jeopardizing its rights. There was no controversy about the claim. No one denied the liability. It was not like some other claims where considerable time and considerable expense were involved in the adjudication.

Now, arbitrarily to say that there should be assessed 5 percent, or over \$100,000 for the adjustment of a claim that was admitted is manifestly unjust. No such sum should be assessed as part of the costs of adjudicating a claim where, as a matter of fact, no costs whatsoever were incurred. If the costs should be assessed against the claimants at all, they should be assessed in accordance with the rule under which all other costs are assessed—on the basis of the actual expense of litigating the claim.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DIETERICH. Certainly.

Mr. CONNALLY. Is the Senator aware that even in the settlement of claims before a special claims commission the expenses of the whole organization are deducted from the amount going to the claimants, because the whole proceeding is for the benefit of the claimants and it is for them that the Government incurs the expenditures? It would be difficult to take each claim and figure out its proportionate cost.

Mr. DIETERICH. I understand that, and I understand that in Texas there were some very small claims presented. In fact, the entire work of the commission and the expense of the commission has been in the adjudication of land claims and various other small claims, but here is a claim as to which there was no controversy at all, a claim that was allowed by this commission in 1926, some 10 years ago, and never has a payment been made—a claim that was taken out of the hands of the negotiators.

Mr. CONNALLY. Mr. President, let me say to the Senator that I am not trying to contest his claim. I have no objection to it. I am somewhat familiar with the practice of the Government as to all such claims, however, and I merely wished to make to the Senator the suggestion I have made.

Mr. DIETERICH. I desire to say to the Senator from Texas that I am interesting myself in the matter of the Mexican Claims Commission. I have had great difficulty in finding out just exactly what it has done, what it has accomplished, and what it expects to do. It has changed the entire intent of the statute authorizing its creation. At a later time during the present session I expect to ask the attention of the Senate while I discuss the question of the Mexican Claims Commission; but I say to the Senator who has charge of the bill that certainly it would be unjust to penalize this claimant, who has so long been held out of his money, by an arbitrary assessment to defray the expenses of the Commission in adjusting other claims.

With that explanation I will accept the Senator's proposal.

Mr. McKELLAR. Mr. President, may I ask the Senator a question about the matter? If the Senator's amendment is agreed to by the Senate, and the conferees agree to it, of course the United States will not be reimbursed at all by any of the claimants.

Mr. DIETERICH. This is the first time a provision of this kind has been placed in one of the appropriation bills.

Mr. McKELLAR. But the Senator can easily understand that if the Government goes to great expense in recovering the amounts of these claims, it ought to be reimbursed for that expense.

Mr. DIETERICH. Let me advise the Senator that each claim is separate. The Senator says that if the Government goes to great expense, it should be reimbursed. If the Government goes to great expense on a particular claim, that claimant should stand part of the expense, whatever a reasonable part would be; but another claimant should not be forced to contribute to such expense. That would be unjust.

Mr. McKELLAR. I think I understand the Senator's position in the matter; and I have no objection to the amendment being adopted and letting it go to conference, without prejudice to either side.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Illinois is agreed to.

Mr. MURRAY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The CHIEF CLERK. It is proposed to insert, at the proper place in the bill, the following:

#### BUREAU OF FISHERIES

For the acquisition by the Bureau of Fisheries of a site for a fish hatchery at Jessups Mill, near Glacier National Park in the State of Montana, \$10,000; which shall be immediately available.

Mr. MURRAY. Mr. President, this amendment is for the purpose of providing a site for a fish hatchery near Glacier National Park, in Montana. A project for the construction of such a hatchery has been provided for, and \$65,000 was allocated by the W. P. A. for that purpose. This appropriation is essential to provide the site which is described in the amendment.

Mr. McKELLAR. Mr. President, may I ask the Senator whether this item has been estimated for?

Mr. MURRAY. I am not sure whether or not it has been estimated for. The amendment was intended to be proposed by my colleague the senior Senator from Montana [Mr.

WHEELER], but he is unavoidably detained. I understand it has the approval of the Bureau of Fisheries.

Mr. McKELLAR. Does the Senator know whether or not any law has been passed authorizing the establishment of the hatchery, or whether any bill has been introduced for the purpose?

Mr. MURRAY. I know that the Commissioner of Fisheries has written a letter in which he approves this site.

Mr. McKELLAR. Suppose the Senator puts the letter in the RECORD. Then I shall have no objection to taking the amendment to conference.

Mr. MURRAY. I ask that the letter be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF COMMERCE,  
BUREAU OF FISHERIES,  
Washington, April 16, 1936.

Subject: Inspection fish-hatchery sites, Glacier National Park.  
Memorandum for Senator BURTON K. WHEELER.

The Bureau of Fisheries made several inspections of various sites in Glacier National Park for the establishment of a fish hatchery. The sites were visited both during the winter and summer months. The most favorable site for the location of a fish hatchery and one approved by the National Park Service requires that the water supply be obtained from a stream.

During the winter months when the site was inspected in Glacier National Park, it was found that due to the low temperatures prevailing in the park the stream was covered with ice and the water temperature was not suitable for the incubation of trout eggs. It was also found that if this water supply was to be used in ponds it would probably freeze solid. Therefore, a hatchery located in Glacier National Park could not be operated during the winter months and would be suitable only for the purpose of rearing fish during a period of 3 or 4 months during the summer.

In view of the fact that it is necessary to establish a hatchery in this region where eggs may be incubated and fish reared in ponds, an investigation was made of sites outside of the park and a suitable spring-water supply was found at a place known as Jessups Mill, approximately 12 miles from Kalispell. This site is in close proximity to Glacier National Park and because of weather conditions it will be accessible during the winter months. The Bureau of Fisheries, therefore, favors the Jessups Mill site and is not in favor of expending funds for the establishment of a fish hatchery in Glacier National Park due to the unsuitable water supply and weather conditions during the winter months.

FRANK S. BELL, Commissioner.

(Through Administration Assistant, Department of Commerce.)

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Montana is agreed to.

Mr. COPELAND. Mr. President, if I may have the attention of the able Senator in charge of the bill, on page 61, line 16, I move that there be inserted at the beginning of the line, before the word "investigation", the words "not to exceed \$50,000 for"; so that, if amended, the clause will read:

Not to exceed \$50,000 for investigation, research, and experimentation to develop and improve aids to air navigation.

Then I move that lines 21 and 22 be stricken from the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. McKELLAR. Mr. President, will the Senator state just what would be the effect of his amendment to this provision of the bill?

Mr. COPELAND. Yes. First, let me say as to the two lines which I have asked to have stricken out that the language is:

Replacement, including exchange, of not to exceed two airplanes for service use and two for experimental purposes.

If the Senator will turn over the page, at the bottom of page 62 he will find that provision is made for the exchange of airplanes, not to exceed \$16,500. What I desire to accomplish by my amendment, if the Senator shall see fit to take it to conference, is to make sure that there is not a transfer of funds within the appropriation, so that the amount of money which is to be used for investigation shall be limited to \$50,000, and all the rest of the fund shall be used largely for construction of necessary lighting, radio, and other signalling and communicating structures and apparatus.



In order that the RECORD may show why I am asking this, I make reference to the latest airplane accident, the one which happened a few days ago this side of Pittsburgh.

The Pittsburgh area is called the graveyard of airplane pilots. Of course, there are several reasons why there should be more accidents at Pittsburgh than at other places, because it is a great transfer point; and yet the amount of business actually done and the amount of traffic actually passing through Pittsburgh is not more than the amount actually passing through Newark or through Chicago. Unfortunately, however, Pittsburgh is situated in the mountains, and it is an interesting thing about the radio beams that they may be split; they may be divided by contact with ice, and sometimes static occurs by reason of snow.

In the last accident the poor chap in charge of the plane, the pilot, thought he was at a point the name of which I have forgotten for the moment, but a place 40 miles beyond where he really was. He thought he was on the northeast edge of a radio beam directing him to Pittsburgh. As a matter of fact, he was 40 miles south of where he thought he was, and was on the edge of a radio beam which was directed toward Pittsburgh, but which led him into the mountains in an unfamiliar terrain. He was familiar with the terrain he thought he was on and knew there was no mountain there over 2,000 feet in elevation; but, as it was, he found himself in a section where looming up before him was a mountain 2,900 feet high, and he was so pocketed that it was not possible for him to get the elevation necessary to go over the mountain, and so he went bang into the mountain. That probably is the explanation of that particular accident.

The accident in which the late Senator Cutting lost his life was a similar one. It came from much the same causes. I am not going to detain the Senate to discuss that accident at the present time, because a full report of it will be made in the near future. I have said these things to point out how necessary it is that money should be spent for safety on the ground. In our ground devices and in our apparatus having to do with the direction of planes we are not keeping pace with the progress of the art as is the airplane itself.

We must do one of two things as I see the matter, Mr. President: Either we must provide these devices—the radio beam, the lighting of the fields, the weather reports, and the other things which have to do with safety in flying—or else we must say, "You must ground your planes and not fly."

Mr. McKELLAR. Mr. President, as I understand, the principal purpose of the Senator is to furnish a specific sum of \$50,000 for further investigation and research and experimentation primarily in relation to what, I believe, is called the splitting of beams, a separation of the beams before the destination is reached.

Mr. COPELAND. It is not so much that as it is to place a limitation upon investigation in the Department, and to insure the spending of the money largely for safety devices. The reason why I say that is because the industry itself is spending millions of dollars for investigation.

Mr. McKELLAR. I agree with the Senator, and I think the amendment should be adopted.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. Mr. President, before yielding, so that the record may be complete at the time we do this, let me say that I was swung out of beat a moment ago about the amendment at the bottom of page 61, in line 25. I think we should restore the House language in order that there may be assurance that a considerable amount of time shall actually be devoted to the very work which has met the approval of the Senator in charge of the bill.

I should not be satisfied to stop with this sum of money if it were not for the fact that by courtesy of the chairman of the subcommittee we had a very full hearing before the subcommittee the other day, at which we presented the reasons why a large sum, \$5,000,000, should be used for these devices.

The purpose of that hearing was not to go so far above the Budget in this bill as it was to produce the argument and

have it ready for the Director of the Budget, and since we had the hearing I have sent to Mr. Bell, the Director of the Budget, a record of what we did in the committee. But we will not do our duty to the American people if we adjourn this session of the Congress without providing at least \$5,000,000, in addition to what we have in this bill, to insure a greater degree of safety in flying.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. I yield, but I wish to say to the Senator, in doing so, that the Senator from Missouri is well aware of the fact that we have a committee investigating the death of our late beloved colleague, Senator Cutting; we have had extensive hearings, and no member of the committee has been more faithful in his attendance than has the Senator from Missouri, and he has given the committee the benefit of his advice and aid.

Mr. CLARK. Mr. President, I thank the Senator from New York very much for his kind reference to me. I simply desire to recall to the Senator from New York what I know he has in mind, the fact that very large sums of money have been appropriated for safety in the air from time to time, which to a very large extent, as the testimony before our committee shows, have been wasted. I am in favor of appropriating every single penny that can possibly be spent to increase the safety of the airways, but the testimony before our committee has disclosed that in one investigation of the maintenance of the airways of the United States as much as \$2,000,000 worth of property having to do with safety has been found in one airport alone which was not carried on the books of the Department of Commerce and has not been accounted for. It was shown that in some instances property designed and purchased for the purpose of insuring safety in the airways had been put aside in warehouses, or in some cases stored in barns, and not taken out of the original crates until it had become obsolete. So that while I agree with the Senator from New York that Congress ought to appropriate as much money as is necessary in order to promote safety of travel in the air, some method ought to be devised by which the Congress can be certain that the money is spent for the purposes for which it is appropriated.

Mr. McKELLAR. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield, but I desire to say that I agree fully with the Senator from Missouri.

Mr. McKELLAR. Of course, and I may say to the Senator from Missouri that the amendment providing that "not to exceed \$50,000 for investigation, research, and experimentation to develop and improve aids to air navigation", makes it a direct appropriation for that purpose, and the Department must so use it, as I understand the Senator's amendment. Under those circumstances it seems to me the amendment is very proper.

Mr. LA FOLLETTE. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. I am in entire sympathy with the expenditure of whatever money may be necessary to make air travel safer for passengers and for pilots. I am not certain that I understood the full purpose of the Senator's amendment, but it seems to me that the Congress not only should provide the necessary money for safety devices, emergency fields, and things of that kind, but that there also ought to be an impartial public investigation of such unfortunate accidents as have occurred. Therefore I hope the Senator's amendment will not have the effect of curtailing or perhaps preventing the proper investigation by impartial authorities of airplane accidents.

Mr. COPELAND. I may say to the Senator that what we are proposing today by this amendment is a very small part of what we are going to bring to the Senate. We are proceeding with the greatest earnestness to get to the very bottom of the causes of the accidents which have happened. We think we have learned a great deal. We have not been quite prepared to make any pronouncement as yet, because, frankly, some of the testimony has been a reflection upon the Department, and the Department itself has not had a

chance to be heard; but it is to be heard. Next week we hope to begin on Tuesday with the Department's presentation; I do not want to call it rebuttal, but it will be evidence to clarify the testimony which has been presented to us. I may say to the Senator also that I am sure that before the end of the session we will present a report which will gladden his heart, from the reflection that possibly out of the disaster which came to his great friend, and to our friend, perhaps some permanent good may come, so that in the future there may not be other accidents.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield further, I was not referring to the investigation being made by the committee of which the Senator from New York is chairman. As I understand, when accidents occur, the Department of Commerce conducts investigations, and I gathered that the Senator's amendment was designed to allow only \$50,000 for the investigation of such accidents.

Mr. COPELAND. No; the Senator has misunderstood. This item is for scientific investigation and research. It has nothing to do with the investigation of accidents.

Mr. McKELLAR. Mr. President, let me call the attention of the Senator from New York to the language on the bottom of the page, where the amendment has been agreed to making the appropriation \$832,920. In order to make the amendment of the Senator from New York effective and not to disturb the remainder of the bill, he will have to ask that that appropriation be increased to \$882,920. That will effect what the Senator desires.

Mr. COPELAND. Very well, Mr. President. I ask unanimous consent that the vote by which the amendment making the appropriation \$832,920 was agreed to be reconsidered, in order that I may move to make the amount \$882,920.

Mr. ROBINSON. The effect would be to increase the appropriation by \$50,000?

Mr. COPELAND. Yes; and the \$50,000 is to be used exclusively for investigations, and the rest of the money is to be used for improving the airways.

Mr. ROBINSON. I myself made some inquiry into that subject during recent days, and I commend the position of the Senator from New York in insisting on the improvement of the aids to air navigation, those physical agencies such as lighting and ground work. It is very essential that they should be improved. The effect of his amendment will be to make certain that a liberal fund will be available for those purposes.

Mr. COPELAND. That is correct.

The PRESIDING OFFICER. Without objection, the vote by which the committee amendment on page 61, line 25, was agreed to is reconsidered.

Mr. McKELLAR. Mr. President, I move that the figures on page 61, line 25, be increased to \$882,920.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COPELAND. Mr. President, I have moved that lines 21 and 22, page 61, be stricken from the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, the Senator from New York offered an amendment, on page 61, line 15, after the word "apparatus" and the semicolon, to insert the words "not to exceed \$50,000 for."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I wish to call the attention of the Senator in charge of the bill to page 70, beginning with line 12. This paragraph has to do with the operation of foreign-trade zones. The Senator in charge of the bill will recall that among the recommendations made by the Department of Commerce, as found in the hearings beginning on page 63, and, to be specific, appearing on page

71, it was strongly urged that the figure which is found on line 23, the sum of \$25,000, be changed to \$35,000.

Last year the appropriation was \$30,000. This year the Budget Bureau allowed \$35,000, but the committee, I think, perhaps overlooked it in some manner.

Mr. McKELLAR. No, Mr. President; it was considered and voted down.

Mr. COPELAND. I ask the Senator if he would not be willing to take the amendment to conference. I am not asking him to fight, bleed, and die in the conference; but I ask that an opportunity be given to deal with the matter in the conference.

I have more than a passing interest in this question, because this appropriation is made to carry out the purposes of what was known as the Celler-Copeland bill, which became law on the 18th of June 1934. It has to do with the establishment of trade zones. It is a matter of great concern not alone to the port of New York but to other ports as well. There are two applicants for trade zones in New York Harbor.

On page 71 of the Senate committee hearings the Department says:

The Board has before it at the present time three applications \* \* \* to establish foreign-trade zones \* \* \* in the port of San Juan, P. R., the port of San Francisco, Calif., and the port of Mobile, Ala. With the present staff, which includes only one examiner, no more than one of these applications can be investigated and a report rendered.

I know that in addition to those three ports, two others in my own State, which I have already mentioned to the Senate, and almost all the other ports on both coasts, the Atlantic and the Pacific, are giving consideration to the question of trade zones, including Portland, Maine, and Portland, Oreg. There is hardly a port in the country which is not studying the question of trade zones.

Mr. McKELLAR. Mr. President, I call the Senator's attention to the evidence on this matter appearing on page 91 of the House hearings:

Mr. McMILLAN. The last item is for operations, and so forth, of foreign-trade zones, on page 54 of the subcommittee print. In 1936 there was appropriated \$30,000 for this activity, and for the fiscal year 1937 there is estimated \$35,000, an increase of \$5,000. Do you anticipate any unexpended balance out of the current appropriation?

Mr. DUNN. No, sir.

Mrs. KAHN. May I ask two questions?

Mr. McMILLAN. Yes.

Mrs. KAHN. First, How many applications have you had for the creation of foreign-trade zones?

Mr. DUNN. There have been four formal applications.

Mrs. KAHN. And how many have been established?

Mr. DUNN. One.

Mrs. KAHN. That is in New York?

Mr. DUNN. That is in New York.

Mrs. KAHN. And San Francisco is applying. And what other city?

Mr. DUNN. San Juan, P. R., and Mobile, Ala. There have been a great many informal inquiries.

Mrs. KAHN. I know; but those are the only points that have made applications?

Mr. DUNN. Yes.

Under that testimony, the House declined to make a change, and in like manner the Senate committee left the figure at \$25,000. If the Senator desires to have the amendment taken to conference, I have no objection; but I cannot answer for what may be done there.

Mr. COPELAND. Very well. I move that the figures be changed from \$25,000 to \$35,000.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 70, line 23, it is proposed to strike out "\$25,000" and in lieu thereof to insert "\$35,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.



The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 36), as follows:

*Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and of the Speaker of the House of Representatives in signing the enrolled bill (H. R. 4387) entitled "An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Blackstrom", be rescinded, and that in the reenrollment of said bill the Clerk of the House of Representatives is authorized and directed to insert the name "Backstrom" in lieu of the name "Blackstrom" where it appears in section 1 of the amendment of the Senate to the text of said bill and in the amended title.*

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4387) conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Backstrom, and it was signed by the Vice President.

#### DEPORTATION OF ALIEN CRIMINALS

The Senate resumed the consideration of the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the non-criminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina [Mr. REYNOLDS] to recommit the bill.

Mr. DAVIS. Mr. President, the Senator from North Carolina completed his discussion of the bill early this afternoon. I then made the request that I be permitted to address some questions to him; but I find that the Senator from Vermont [Mr. AUSTIN] will not be here on Friday afternoon, and for fear the bill will go over until that time I shall give way to him and let him discuss his amendment.

Mr. AUSTIN. Mr. President, if the pending motion should prevail, there would be no need, of course, of a discussion of my amendment in the Senate at this time; but if the motion should not prevail, thereupon the question before the Senate would be my amendment.

It is quite possible that a consideration of my amendment might affect the vote on the motion to recommit the bill to the committee. If there is sufficient merit in my amendment to entitle it to a more careful study by the committee than can be made on the Senate floor, I should infer that votes would be gained for a recommitment of the bill to the committee. Therefore, I am led to explain my amendment and to make some comments about the bill, or the amendment to the bill, in connection with it.

I propose, on page 4, beginning with line 7, to strike out all after "1917" down to and including "turpitude", in line 10, and to substitute therefor the following:

(39 Stat. 874), relating to classes excluded entry thereby and classes excluded entry by laws referred to therein and not altered thereby, and classes deportable for causes other than having entered or being found in the United States without an immigration visa or a record of admission for permanent residence.

Mr. SCHWELLENBACH. Mr. President, is that amendment in the same form in which the Senator submitted it to the committee?

Mr. AUSTIN. Mr. President, it is not. I think the amendment is very much improved, and I think its present form may meet the objections which were urged to the amendment in the committee. The thought came to me only after the discussion in the committee to add to the amendment a clause which I think meets the objections

which I understood were made in the committee to the original proposal. These words are as follows:

And classes deportable for causes other than having entered or being found in the United States without an immigration visa or a record of admission for permanent residence.

I must explain that clause, or it would be wholly unintelligible.

Section 3 of the committee amendment, which is offered in the nature of a substitute for the original bill, reads as follows:

SEC. 3. (a) The Inter-Departmental Committee may permit to remain in the United States any alien who entered the United States prior to the date of the enactment of this act and is found subject to deportation, other than one deportable under the act of October 16, 1918, as amended by the act of June 5, 1920 (40 Stat. 1012; 41 Stat. 1008; U. S. C., 1934 ed., title 8, sec. 137), or the act of May 26, 1922 (42 Stat. 596; U. S. C., 1934 ed., title 21, sec. 175), or the act of February 18, 1931 (46 Stat. 1171; U. S. C., 1934 ed., title 8, sec. 156a), or section 1 of this act, or the provisions of the act of February 5, 1917 (39 Stat. 874; U. S. C., 1934 ed., title 8, sec. 156), relating to prostitutes, procurers, or other like immoral persons, if the alien is of good moral character and has not been convicted of a crime involving moral turpitude—

I stop reading section 3, at that point, for the purpose of making an explanation. The words "or section 1 of this act, or the provisions of the act of February 5, 1917", are limited by the bill as drawn only to those convicts or criminals who come within the class of being prostitutes, procurers, or other like immoral persons. This limited class is taken out of the discretionary power intended to be given by section 3, and would constitute an exception, as being deportable under the act of February 5, 1917, relating to prostitutes, procurers, or other like immoral persons.

The purpose of the amendment is to remove from the discretionary power undertaken to be granted by section 3, all criminal cases. Whether the persons involved are prostitutes or procurers or other like immoral persons or what not, if they are criminals of any kind whatsoever, they would come under the exclusive features of the immigration act and of the deportation law.

Someone asked me today, if I regarded illegal entry into the United States as a crime within the meaning of this proposed amendment. My answer is it makes no difference whether or not there is a dispute about that question. It is not necessary to decide whether or not those who are simply illegally here—that is, here without an immigration visa and without a record of admission for permanent residence—are criminals, because the amendment takes care of that very situation.

The amendment excludes from its scope those persons who are simply illegal entrants. For example, an individual who is here without an immigration visa and without any record of admission for permanent residence, who has been here for 10 years, and who is not a criminal, will be entitled to the discretion which section 3 affords, if the case appeals to the discretion of the Board. In other words, the title of the proposed act would be carried out by the act itself.

I say frankly that I am in favor of the title of this proposed act. It reads:

To authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

I am in favor of that title, but the bill does not carry out the title. The bill favors the criminal classes and does not single out those hardship cases involving persons who are innocent of any other thing except being here without an immigration visa and give them the grace of justice and humanity which the title of the bill seems to offer. My objection to this bill is that it would not do what it undertakes to do as set forth in its title.

Mr. President, the committee in studying this measure was very, very fair and accepted several proposed amendments to the original draft of the bill which had a tendency to bring the bill within its title; and perhaps if the committee had had this amendment for consideration in its present form,

the committee would have accepted the amendment in committee, for all the amendment proposes to do is to separate the criminals from the noncriminals and to extend the grace of the sovereignty of this country to noncriminals in cases where great hardship would be caused by deporting a man or a woman who has lived in this country 10 years, established a home and all the attending circumstances of a home, is perfectly innocent of any crime, and who is just as good a citizen as anyone who was born in this country.

There is another class, namely, the class who have certain relatives in this country, the relatives being specified as follows:

A parent, spouse, legally recognized child, or, if a minor, a brother or sister, who has been lawfully admitted for permanent residence or is a citizen of the United States.

That is the end of the quotation of paragraph (2) of section 3.

Consider a case under that clause. Under the original plan of the bill, any alien who has any such relatives here would be entitled to this clemency. In the discussion in the committee it was realized that that afforded a device by which the exclusion act could be and probably would be avoided, because a man or a woman might within a very short time after arrival in this country establish one of the relationships mentioned, and thus, instead of passing the examination, instead of proving the physical and mental and moral qualifications for entry, instead of obtaining a visa within our quota law, not only be able to come in here illegally but, becoming a father or a mother, to get within the open door of that particular section of the proposed act.

So the committee accepted an amendment designed to afford something of an assurance against that sort of thing by adding the proviso that the person must have lived continuously in the United States for at least 1 year before attempting to establish such relationship as a ground for clemency and permission to remain in this country. Assume a case where a woman who has lived in this country for 1 year, who has acquired during that year a husband who is a natural-born citizen of this country, or who has a husband who has been lawfully admitted for permanent residence here. Immediately, provided she was not a criminal, this amendment would come to her rescue and protect her to the extent that she could have the judgment of the board as to whether she could remain or would have to be deported. If she should be a criminal, then no clemency could be assured her. She would be deportable, and she must be deported under the other terms of the bill.

That, in a word, is the purpose of the amendment—to separate convicts or criminals from noncriminals, to give no clemency, no rights to the criminals that are not given to any other person who is unlawfully in this country, and to give to the noncriminals that amount of leniency and grace which the committee finds they are entitled to in view of their circumstances. That would bring this proposed act within the purpose expressed in its title.

I believe that if this bill were recommitted to the committee and a study of this amendment were made it would receive very fair and rational consideration at the hands of the committee. There are other things that should be considered by the committee if the bill should be recommitted, things which would cause me to be opposed to the bill unless my amendment should be adopted; and, further, unless the Reynolds bill should be substituted for the committee bill. I say frankly I favor the Reynolds bill over the bill reported by the committee even with my amendment adopted. But I say also that if the Reynolds substitute should not be accepted by the committee, I would vote for the bill reported by the committee provided my amendment should be adopted, because of those two things, namely, increasing the power of the Government to deport criminals and giving the power of clemency to the Government to protect hardship cases where the person involved is not a criminal.

The other features of the bill which I think ought to be considered by the committee relate to its criminal phases.

As we study the immigration laws and the deportation laws we are struck with the fact that they are scattered all through the statutes, that they are rather heterogeneous in character, that there has never been a codification which brought them together and harmonized them. Really what Congress ought to do is to codify the laws so they may be understood by a person who desires to look them up and to study them. I admit that my knowledge of these laws is extremely imperfect and that I had great difficulty in piecing together even those laws which are expressly referred to in the bill. But assuming that I am correct in my interpretation of the Immigration Act and of the Exclusion Act and of the act of 1924, we have this situation.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. REYNOLDS. I am in thorough accord with what the Senator has said about codifying the immigration laws. As a matter of fact, I have on several occasions talked the matter over with other Members of the Senate who are vitally interested in this all-important subject, and I had intended during the present session to introduce a resolution calling for codification of the laws. I think it ought to be done. I want the Senator to know I am in thorough accord with his suggestion.

Mr. AUSTIN. I thank the Senator from North Carolina.

Mr. DAVIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Vermont yield to the Senator from Pennsylvania?

Mr. AUSTIN. I yield.

Mr. DAVIS. I think it is very important that the immigration laws should be codified. I believe the Secretary of Labor in 1925, 1926, and 1927, in his annual reports, and also the Commissioner of Immigration, made such a recommendation. If I remember correctly, there was a partial codification of the laws. It is very important that they should be codified. I think it is one of the most important things the Committee on Immigration could investigate and recommend.

Mr. AUSTIN. I appreciate the opinion of the Senator from Pennsylvania on this subject, as to which I have discovered that he is certainly an expert. I have read his books with a great deal of interest and obtained great assistance from him in my study of the bill, and, therefore, I give great weight to his judgment.

I was about to illustrate the situation with respect to the immigration and deportation acts in order to make it clear that the provisions of the pending bill increase the deportable offenses only slightly and, on the other hand, open very widely the door for keeping the criminals in this country.

The section of the act which describes the causes for excluding a person contains the following, and I do not read all of it. I am reading from section 3, page 24, of the immigration laws and rules of January 1, 1930, of the United States Department of Labor:

That the following classes of aliens shall be excluded from admission into the United States:

All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who believe in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or are affiliated with any organization entertaining and teaching disbelief in or opposition to organized government—



Mr. President, I am sure that for the purposes now pending it will be sufficient for me to include in the RECORD the remainder of this section, and I ask unanimous consent that it be inserted in the RECORD at this point without reading.

There being no objection, the remainder of the section was ordered to be printed in the RECORD, as follows:

Persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons likely to become a public charge [this clause excluding aliens on the ground likely to become a public charge has been shifted from its position in sec. 2 of the Immigration Act of 1907 to its present position in sec. 3 of this act in order to indicate the intention of Congress that aliens shall be excluded upon said ground for economic as well as other reasons and with a view to overcoming the decision of the Supreme Court in *Gegiow v. Uhl*, 239 U. S. 3 (S. Rept. 352, 64th Cong., 1st sess.)], persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within 1 year from the date of such deportation, unless prior to their re-embarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission [see amendment in sec. 1 (d) act approved Mar. 4, 1929 (45 Stat. 1551), p. 19]; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor [see rule 3, subdivision O]; all children under 16 years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are, otherwise eligible [see rule 3, subdivision N]; unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers, or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

That after 3 months from the passage of this act [the literacy test became operative on May 5, 1917. All other provisions of the law became operative May 1, 1917] in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who cannot read the English language, or some other language or

dialect, including Hebrew or Yiddish [for method of applying the reading test, see rule 3, subdivision L]: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for 5 years and who return to the United States within 6 months from the date of their departure therefrom; all aliens in transit through the United States [see rule 6]; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political: *Provided further*, That the provisions of this act, relating to the payment for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed cannot be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, person belonging to any recognized learned profession, or persons employed as domestic servants [see rule 9]: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone [see rule 8]: *Provided further*, That aliens returning after a temporary absence to an unrelinquished United States domicile of 7 consecutive years may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe [see rule 13, subdivision A]: *Provided further*, That nothing in the contract-labor or reading-test provisions of this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons [see rule 9, subdivision G, and act of Apr. 29, 1902 (32 Stat. 176), p. 55]: *Provided further*, That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission [see rule 13, subdivision B; also rule 9, subdivision F]: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign governments, nor to their suites, families, or guests [see proviso added by act of June 5, 1920 (41 Stat. 981), p. 76].

Mr. AUSTIN. The deportation clause really gathers all those aliens who are described in what I have read and

what I have referred to, and makes them all deportable. This is what is provided in section 19, at page 41:

That at any time within 5 years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law \* \* \* shall \* \* \* be taken into custody and deported.

That is the first sentence in the deportation law of this country, and it refers to every one of the persons described in the exclusion act which I have read or referred to; and yet every one of those persons, save the class which commit crimes involving moral turpitude, would be granted clemency by this bill if the amendment I have proposed should not be adopted. That is, they would be within the reach of the discretion of this committee by virtue of section 3 of this bill if it should not be amended.

Moreover, by section 2 of the pending bill a discretion is granted even in the case of criminals which takes in a very large part of the persons who are excluded by our exclusion law, and who would be otherwise deportable. Section 2 cannot be said to tighten up the law with respect to the deportation of criminals. It rather removes the limitations in the exclusion act and the power contained in the deportation act.

Let me read section 2 as it is proposed in the pending bill:

SEC. 2. The second proviso to section 19 of the Immigration Act of February 5, 1917 (39 Stat. 839; U. S. C., title 8, sec. 155), is amended to read as follows: "Provided further, That the provisions of the immigration laws respecting the deportation of aliens convicted of crime shall not apply to one who has been pardoned, nor shall an alien convicted of crime be deported if the court, or judge thereof, where the conviction occurred shall within 6 months after such conviction—

That is changed to 90 days—

(or within 90 days after the passage of this amendatory act), due notice having first been given to the prosecuting authorities, make a recommendation that the alien be not deported as a consequence of such conviction and if the Commissioner of Immigration and Naturalization approves that recommendation, nor shall an alien sentenced to imprisonment be deported under any provision of law until after the termination of the imprisonment, but the imprisonment shall be considered as terminated upon the release of the alien from confinement whether or not he is subject to rearrest or further confinement in respect to the same offense."

What does this do? Does it tighten up the grip of sovereignty upon the criminal, or does it relax it? It does nothing but relax it.

I call attention to the proviso as it exists, in order to show the effect of section 2 as it is now drawn. I read from page 42 of the same document:

Provided further, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, due notice having first been given to representatives of the State, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment.

That discretion, given to a judge by the law as it is today, is limited. Only those crimes involving moral turpitude are mandatory causes for deportation. Only in crimes not involving moral turpitude is the judge given any discretion; but by the pending bill that qualification is wiped right out, and the judge may take the first step to granting clemency to the criminal in the case of all crimes.

Let me read the language again in order to make that clear:

Nor shall an alien convicted of crime be deported if the court, or judge thereof—

Shall grant him clemency, or make this recommendation.

In the original act the language is:

Provided further, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply—

And so forth.

Again, the door is still further opened with respect to criminals by section 2, as proposed here, by extending the time, giving the criminal affected more time in which to induce the judge to make the recommendation. Under the existing law, the recommendation by the judge must be made at the time of the judgment or within 30 days. Under the bill as proposed and as it came to us in committee, the time was extended to 6 months.

The committee reduced the time to 90 days; but, even as it appears in the Senate today, the bill is a very generous grant to the criminals of the country of 90 days instead of 30 days in which to bring enough pressure to bear on a judge to make him recommend that a criminal be not deported. It makes no difference whether he is convicted of a crime involving moral turpitude or whether he is convicted of some one of the vast majority of crimes which do not involve moral turpitude, but which include racketeering, jail breaking, and the violation of nearly all the regulatory statutes and laws which have been enacted to keep the peace in this country.

Mr. SCHWELLENBACH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Washington?

Mr. AUSTIN. I do.

Mr. SCHWELLENBACH. Does not this extension of time from the time of sentence to 90 days thereafter work both ways?

Under the bill it is provided that due notice must be given to the prosecuting authorities. That gives the prosecuting authorities the opportunity, during the period of 90 days after sentence, if the convicted person takes the full 90 days, that much additional time in which to prepare themselves for the argument on the other side.

I recognize the point which the Senator makes; but, in fairness, must we not admit that the provision gives the same advantage to the prosecuting authorities on the other side?

Mr. AUSTIN. Yes; of course that is true. The law as it exists today also provides for due notice to the representatives of the State, so that the State must act within 30 days. I am not so sure that the State must act within the 30 days; but due notice must be given, and, under the present law, this much must take place within 30 days:

The court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, \* \* \* make a recommendation.

That is what the present law requires; and by this amendment he must do that within 90 days, instead of 30 days.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I now yield to the Senator from Pennsylvania.

Mr. DAVIS. Under section 2, the Commissioner of Immigration and Naturalization is given full authority to prevent deportation. Under the present act, as the Senator has just read it to us, the prevention of deportation is subject to the approval of the Secretary of Labor. Under this bill the Commissioner has full power to prevent deportation without any concurrence on the part of the Secretary of Labor.

Mr. AUSTIN. If I understand the suggestion of the Senator from Pennsylvania, it would affect our votes a little on the motion to recommit, for it is a matter which ought to be considered in committee, not on the floor of the Senate. I cannot conceive of more difficult and complex legislation than this which relates to our relations with our neighbors throughout the world, and the establishing of a basis that will be, first, beneficial to the United States and the people of the United States, and, second, not inhuman and not antagonistic and hateful, and not likely to arouse resentment and bad feeling between us and our international neighbors.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield.



Mr. DAVIS. The Senator in the early part of his remarks with reference to those who come into the United States illegally raised the question as to whether such entry is a crime under the laws of the country. I have always contended that it is. But the Senator does not go far enough, because under the La Follette Seamen's Act, which I have always considered to be the charter of liberty for the seamen, shipowners insisted on bringing in immigrants because of the fact that under that law a seaman has the right to go ashore for 60 days. When we can prove a seaman has been assisted by the shipowner to enter the country illegally there is a penalty of a thousand dollars in each case, and, as I recall, during the time when I was Secretary of Labor, there was imposed upon shipowners for the violation of that law penalties equivalent to \$5,000,000 because the shipowners were in the game, first, of trying to defeat the La Follette Seamen's Act by employing cheap help; and, second, giving the immigrants jobs on their vessels and having them paid a thousand dollars, if they are caught, so that the fine may be paid. I think this goes much further, and the Commissioner General of Immigration, without any restraint on him at all, would have the right under this particular section to admit such aliens into this country. It would open a loophole which would encourage the destruction of the La Follette Seamen's Act.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SCHWELLENBACH. I wonder whether the Senator would object, with the view I have of attempting to work out an acceptance of the Senator's proposed amendment to section 3, to having a discussion concerning it again at this time.

Mr. AUSTIN. I should be very glad to work with the Senator.

Mr. SCHWELLENBACH. I should like to ask the Senator just one or two questions. It may be that he discussed them after he read his amendment. I left the Chamber to look up the provisions of the act of 1917, so as to be able more intelligently to understand the Senator's amendment.

I should like to ask, first, the reason for the exclusion of the words in line 6, page 4, "if the alien is of good moral character and has not been convicted of a crime involving moral turpitude."

Mr. AUSTIN. There is no reason for excluding them; that is to say, it was not intended that this amendment should not mean exactly that, and if the amendment is not adequate to make that a condition, I should be very glad to add the words to the amendment.

Mr. SCHWELLENBACH. The act of 1917 defines persons of good moral character, and I assumed that in leaving that expression out it was with the idea that it was defined in the 1917 act.

Mr. AUSTIN. No.

Mr. SCHWELLENBACH. But I am not so sure that the act defines them sufficiently to meet the requirements we desire in the proposed legislation. The Senator would have no objection to the inclusion of those words?

Mr. AUSTIN. I have no objection to it.

Mr. SCHWELLENBACH. There is another point, if I may ask another question.

Mr. AUSTIN. Certainly.

Mr. SCHWELLENBACH. As I understand, with the amendment the Senator proposes, the only change would be as to those aliens who have been in this country and who temporarily leave the country and return, and who, because of the fact that they have some disease—it may be tuberculosis or it may be a loathsome or social disease—are not able to enter. The provision of the amendment is, "without an immigration visa or a record of admission for permanent residence." Would that include all of the illegal entries into the United States?

Mr. AUSTIN. That was intended.

Mr. SCHWELLENBACH. So that the only effect of the Senator's amendment, as changing the committee amend-

ment, is in those cases where aliens who have been in the country, who may have been here for 20 years, go to Canada on a temporary visit, let us say, and return. They have come in legally so far as the provisions of the act of 1917 provided at the time they came in; there were no restrictions at that time; but they come back, and they may have some disease at the time they enter, or it may be that within the period of 5 years from the time of their second entry they become public charges. Am I correct in construing the Senator's amendment to mean that those cases are the ones eliminated by his amendment, which are not eliminated by the bill as it was introduced?

Mr. AUSTIN. No, Mr. President, not if I understand my own amendment. Let me state the difference. There are all sorts of crimes which cannot be described as involving moral turpitude, or as acts of those coming within the classes of prostitutes, procurers, and other like immoral persons. I remember the question the Senator from Washington raised in the committee about those crimes, and whether they were large in number or not, and whether they were serious in nature.

As the result of that I undertook a rather hasty search of the statutes, Federal and State, on the subject, and I nearly exhausted myself without getting to the end of it. They are extremely numerous. I have here four sheets containing lists of such crimes, just noted, without description. They include racketeering, extortion, breaches of numerous laws relating to public health, social relations, labor, education, public peace and safety, and, generally, the administration of government. That is a mere characterization of them, but they are exceedingly numerous, and they include very serious offenses.

If my amendment, or one similar to it, were not adopted, a man or a woman could be guilty of those offenses, provided he or she were not guilty of being a prostitute, a procurer, or other like immoral person, and still be entitled to the clemency of section 3. So the amendment I propose is designed to put them all together, and make any alien who is a criminal subject to deportation.

Mr. SCHWELLENBACH. The Senator means aliens who have been guilty of these crimes since their entry into the United States?

Mr. AUSTIN. No; not quite that. It includes also the exclusion feature, which provides that if a person admits that he has within 5 years been guilty of a crime, and so forth. The Senator remembers that. It brings all criminals within its grasp, just as the present law does, and no differently, for that matter. It is preventive in its nature; we might say prophylactic in its nature. It undertakes to stop the opening of the door in behalf of criminal classes and to permit the opening of the door of discretion in behalf of noncriminals. If it does not accomplish that purpose, it certainly should go back to the committee and be worked over until it does. It is not easy to amend the bill to accomplish that purpose.

Mr. SCHWELLENBACH. The Senator will concede that the committee did have many meetings and discussions about it.

Mr. AUSTIN. Oh, yes; and worked hard and was very fair and open-minded.

Mr. SCHWELLENBACH. If proposed legislation is desirable legislation, it is hardly fair, when a bill comes up on the floor, to propose a new amendment. I want to say that, from my understanding of the point of view of the committee, if the Senator's amendment means what he thinks it means, I do not believe there is any objection on the part of the committee to the adoption of such an amendment.

Mr. AUSTIN. I thought that might be possible. The Senator remembers, however, that we had difficulty in keeping the bill out of the Senate, and that it was only by close chance that we secured another hearing on the bill, and immediately afterward it was reported to the Senate.

I am not accusing anyone of unfair treatment. On the contrary, I said I thought the committee treated these proposals or amendments very fairly and candidly, and worked very hard on them; and it was my thought that if

the committee had had before it my amendment in its entirety, the committee might have adopted the amendment. It did not occur to me until after the discussion in the committee when certain suggestions were made, including suggestions by the Senator from Washington, that the amendment could be made acceptable by adding to it the words I have mentioned.

So it happens that the amendment comes to the Senate floor in different form than it appeared in the committee. However, I must not be charged with delinquency with respect to the amendment when I brought it before the committee.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield for another question?

Mr. AUSTIN. I yield.

Mr. SCHWELLENBACH. Let us assume that the amendment which the Senator proposes provides for the mandatory deportation of persons who make temporary visits out of the country and then return. The Commissioner has before him cases involving persons who had been here for years, and who went across the line into Canada for an afternoon picnic, and then came back. Very definite hardships will ensue as the result of such situations. Does the Senator object to such change in his amendment as would take care of cases of that sort?

Mr. AUSTIN. Not at all, if it may be done without making an opening of which advantage may be taken in the nature of practically a new immigration act. I shall be glad to work on that. I live on the Canada line. In fact, I was born in the last town north, right on the forty-fifth parallel of latitude, and I know the hardships which exist; and I am as much for the protection of innocent men and women who have come into this country, and have nothing at all against them except illegal entry, as is any man in the Senate. I cannot be outdone in interest in that respect, and I am willing to work with the committee and try to fix up the law so as to take care of honest, innocent hardship cases.

I desire to conclude, however, before dropping section 2. My interpretation of paragraph (2) of section 1 is that it purports to increase the class of deportable aliens convicted of crimes involving moral turpitude by including those convicted but not sentenced to imprisonment. But in connection therewith, power which does not now exist is granted to the Commissioner of Immigration and Naturalization to coddle criminals of all classes.

Section 1 (2) and section 2 weaken the present law by extending the discretion from crimes involving moral turpitude to all crimes and all convicts. Section 2 also grants further leniency to the convict by extending from 30 days to 90 days the time in which the convict may secure from a judge or court before whom he was convicted a recommendation that the convict be not deported.

I should discuss section 4 more at length if the circumstances were not just what they are; but I shall be content with the statement that in effect a new method of immigration is created by means of the change of status of non-immigrant or student to nonquota immigrant. This tends to relax the restrictive features of the immigration laws.

My amendment to the amendment is intended to give relief to aliens in hardship cases where they are not criminals, save only in respect of having entered or being found in the United States without an immigration visa or a record of admission for permanent residence. If adopted, the amendment should guard against the separation from their families of aliens of the noncriminal classes, which is the declared purpose of the bill; and I am for the purpose of the bill.

I shall vote to recommit if a vote is taken here; but a suggestion has come to me from the Senator from Massachusetts [Mr. COOLIDGE], who is in charge of the bill, with which I am perfectly willing to join, and that is to let this matter go before the committee, not under an order of recommitment, and let the committee consider it more fully. If that is parliamentary and may be done, I am perfectly willing to join in that informal action, so that the bill may not lose its position.

Mr. ROBINSON. Mr. President, I had hoped that this measure might be brought to a conclusion this afternoon; but I understand a number of Senators expect to speak before a vote may be taken. Therefore I believe, unless the Senator from Rhode Island wishes to make his speech this evening—

Mr. METCALF. Mr. President, my speech will be very short. It will take but a few minutes.

Mr. COOLIDGE. Mr. President, I suggested in a very informal way to the Senator from Vermont that if the bill was likely to remain before the Senate for some time it might be a good idea to call a meeting of the committee so that we might decide whether or not we could agree to his amendment without recommitting the bill, leaving the bill just where it is now. I do not know why that might not be done in the committee.

Mr. ROBINSON. Mr. President, what is the suggestion of the Senator from Massachusetts?

Mr. COOLIDGE. Instead of recommitting the bill I suggested to the Senator from Vermont that we leave the bill just as it is while it is under discussion in the Senate, and stated that I would call a meeting of the committee, at which we could consider his amendment. I have the record of the meeting of our committee on March 28; and, except for the Senator from Vermont, the vote in regard to this measure was unanimous. The Senator from Vermont could not vote for the bill because he had an amendment which he was offering.

Mr. ROBINSON. Mr. President, of course, if the bill shall not be disposed of this afternoon—and I do not see now that there is any prospect of that being done—Senators may take whatever course they choose. It is my expectation to move a recess until 12 o'clock tomorrow, when the Senator from Rhode Island shall have finished his remarks, unless Senators think the pending measure may be concluded this afternoon.

Mr. COOLIDGE. The Senator from Utah [Mr. KING], an important member of the committee, is not here. He is very much interested in the bill.

Mr. ROBINSON. I am perfectly certain the bill cannot be disposed of this afternoon.

Mr. COOLIDGE. I am also.

Mr. ROBINSON. During the recess of the Senate the Senator may take whatever course he pleases in regard to convening his committee.

Mr. COPELAND. Mr. President, we are considering the enactment of a law which would deport aliens who, under existing statutes, entered this country illegally. The committee have studied the problem and agreed to the form of the bill. I cannot see that any good purpose would be served by recommitting it for further study. That question, of course, will be decided by the Senate.

In the meantime, may I remind Senators of what will happen if no bill is enacted into law? It will mean the immediate deportation of thousands of aliens, many of whom have dependents, and many of those dependents should not be sent away from the country.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. AUSTIN. Is not the Senator from New York aware that the Commissioner testified that approximately 90 percent of those cases contained in the number 2,860 were free from any crime at all; and if that is so, does not the Senator admit that, with the amendment adopted, all of those who have no crime attached to their records would come within the clemency granted by section 3?

Mr. COPELAND. I assume from what the Senator says that he favors that?

Mr. AUSTIN. Yes; I favor that idea.

Mr. COPELAND. Very well. We will hope that very soon there may be worked out some compromise or agreement that will prevent the injustices and the cruelties sure to follow if such deportations take place. Now permit me for a moment to proceed.



Under ordinary circumstances an alien who violates the laws of the United States should be treated as any other violator of our laws. Even deportation, under ordinary circumstances, would be a mild punishment. The lawbreaker would be sent back to the land of his birth.

But these are not the days of ordinary circumstances. The conditions in the countries from which most of these aliens came to find refuge here, illegal refuge perhaps, have changed enormously since the days when they left their native land, and they have changed rapidly. By sending them back we would not be sending them to the country which they left. Each would find that his own country has changed.

These aliens came mostly from Russia and Germany. They came not only to escape persecution but they were animated by the first instinct which God has implanted in man, that of self-preservation.

The changes which have taken place in the countries over there not only violate every principle of our form of government but are abhorrent to every man of good will, every lover of liberty, of fair play, every human being who possesses a spark of decency.

I do not want to feel that I am talking merely to Senators. I am talking to clean and decent human beings wherever they may live.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. REYNOLDS. With particular reference to the point the Senator has just mentioned, that governmental and political changes have been taking place in the past several years, particularly in the countries of continental Europe—and I refer to Italy, Germany, and France, as well as to Russia—does the Senator think America's gates should be open to all the political refugees or religious refugees and to all the peoples of the world who are dissatisfied with the form of government under which they are now living abroad?

Mr. COPELAND. No; I think it would be impossible and doubtless improper to open the gates so widely as the Senator suggests; but I wish to say just a few words along the line we are now considering because my heart goes out to the people of different races from my own and different religions from my own who are being persecuted abroad. Just what we are going to do about it, I cannot say. I know the Senator from North Carolina has given serious thought to it; I know he is worried about it; but it is a problem concerning which there should be discussion and consideration throughout the civilized world.

Mr. REYNOLDS. Mr. President, will the Senator yield further?

Mr. COPELAND. I yield.

Mr. REYNOLDS. Does the Senator mean that, in his opinion, all peoples all over the world, assuming that they are prosecuted and persecuted, should be admitted here, and that the Senator would be willing to open up the gates of America to all the peoples of all the countries of the world who are being prosecuted or persecuted?

Mr. COPELAND. No; I would not do that. The first responsibility we have in this country is to our own. I should like, however, to say a word, if I may, to make it clear to certain men on the other side of the world that the Senate of the United States disapproves their actions and the revolutionary ideas they are trying to put into effect.

I am not seeking for a moment to open our gates when we have unemployment and distress beyond our capabilities of relieving it. When we speak of the particular group dealt with in the proposed legislation, however, I think we should temper justice with mercy and certainly not do those things that would make for their destruction, but go as far as we can in relieving their distress and at the same time, as I view the matter, not impose upon ourselves any great burden of added responsibility.

I repeat that in countries across the seas changes have taken place which not only violate every principle of our form of government but are abhorrent to every man of good will, every lover of liberty and of fair play, and every human being who possesses a spark of decency. I am merely stating what all of us know—that the Soviet Government has abol-

ished the rights of honest property owners and is striving to spread communism throughout all the world. Those of their own citizens whom we would send back to them would be crushed.

Germany has outraged the sensibilities of the world. In her struggle to regain her former status—in which so many of us sympathized—she chose the unfortunate course of persecuting helpless minorities. I was one of the first in America to say "the war is over; let us have peace."

But I referred to another Germany. That country has stifled free speech and a free press. She has debauched the home by setting up new standards of religion and of conduct. She has crushed all labor organizations. She has emasculated her great universities by expelling teachers who did not agree with her policy. She has transferred all the attributes of God to her political leader.

To force any unfortunate refugee to return to such a country would be an act of inhuman cruelty. It would mean sending him back to a torture unparalleled since the days of the Inquisition.

My heart has gone out to troubled, harassed Germany, and to my many friends in the United States who come from German stock. I know they are unhappy over the present situation. But no true friend of old Germany, and of those who sprang from that land of kindness and good cheer, can fail to face an unpleasant truth.

Of the Jews, my friend Edwin Markham said in his poem *A Cry for Brotherhood*:

Through all these years this people carried chains;  
Had dark Assyrias and darker Spains.  
They were the tribes of sorrow who were fed  
From wells of hate and exile's bitter bread.  
They built the tombs of Pharaohs in old years,  
Mixing the bricks with tears.  
They built but had no houses of their own;  
Tyre heard their dirge, and Babylon their moan.  
And now in Germany we see again  
The old, hard hand laid on these women and men;  
And yet this wondrous race has given birth  
To genius and a glory on the earth.

Out of this people came  
The Book of Books, and many a glorious name—  
Moses, who stood once in the holy place,  
And gazed upon Jehovah, face to face;  
Then, standing on the cliffs of Sinai,  
He heard the wisdom of the upper sky.  
And handed down the Decalogue to be  
A law for men on every land and sea.  
It was a wisdom-word  
That centuries and continents have heard;  
And never a man of earth has added to it—  
This wonder-wisdom from the Infinite.

Yes; from the trembling lips of many a seer  
The whole wide world has heard, and still can hear,  
The Psalms, the Torah, and the Talmud speak,  
Protection for the plundered and the weak.  
Shall not this race whose gifts have been so great,  
Have some protection from the tooth of hate?  
They have not yet their safe place in the sun,  
They who knew Egypt, who knew Babylon.

Protest this cruel wrong  
In thunders of the sermon and the song.  
Let cries go forth in shrill tempestuous note!  
As if they rose from tempest's roaring throat.  
Let there be thunders in the world; let be  
A protest that will shake the ruler's knee.  
Let there be protest till the happy hour  
When Justice shall uncliothe her arm of power.

Let there be thunders in the world—yes, more;  
Let there be Brotherhood in every shore.  
Let all men rise into the higher place,  
Where they can see God's face in every face.  
Let there be Brotherhood; let this long cry  
Be heard on earth and under every sky!

During the delivery of Mr. COPELAND's speech—

Mr. REYNOLDS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. COPELAND. I yield.

Mr. REYNOLDS. I wish respectfully to call the attention of the Senator from New York to the fact that we are not

especially interested in the 2,862 cases wherein deportation is being suspended, but I respectfully direct the attention of the Senator to the fact that under the pending bill an interdepartmental committee is set up which would have the right to pass upon the deportation or nondeportation of any number of aliens who might be apprehended in this country within the next 3 years, because it is my understanding that the life of the interdepartmental committee is extended for a period of 3 years.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Utah.

Mr. KING. I think my good friend from North Carolina, who wishes to be accurate and usually is accurate, misconceives the power and authority of the interdepartmental committee. The committee is provided for only because some persons objected to the Secretary of Labor alone acting upon these matters, as under the law the Secretary is compelled to act; and it was suggested by persons who are influenced in part by the philosophy which guides the Senator from North Carolina that perhaps it would be a little better to have two other members of the Department placed upon the interdepartmental committee, so that the discretion would not be left exclusively to one person. If the provision for the interdepartmental committee should be stricken out, the matter would be left entirely with the Secretary of Labor; and it seems to me, with the Senator's philosophy, that he ought to welcome that provision, because it would tighten rather than liberalize the laws with respect to deportation.

Mr. REYNOLDS. Mr. President, if the Senator from New York will yield to me sufficient time to answer the Senator from Utah, I am very happy that the Senator from Utah has called my attention to the fact that the creation of the interdepartmental committee was suggested for the reason that it was desired not to have one individual or one department pass upon these cases. Therefore I argue that the others did not wish to have the Department of Labor exclusively pass upon the cases for the reason that they recognized that it is not capable of doing so.

In further reference to that matter, Mr. President, I believe the Commissioner of Immigration and Naturalization has unquestionably demonstrated to this body that he is not the right person to handle this matter, because he has taken upon himself the authority and the responsibility of holding in this country 2,862 persons who under our present law are mandatorily deportable.

Mr. KING. Mr. President, will the Senator from New York yield to me for a moment?

Mr. COPELAND. I yield.

Mr. KING. I am sure the Senator from North Carolina does not wish to be unfair to the Commissioner of Immigration and Naturalization, who, in my opinion, is one of the outstanding men in the public service. The withholding of deportation with respect to a number of persons was pursuant to a resolution adopted by the House; and I may say that notwithstanding that resolution they are being deported daily. Hundreds of persons have been deported during the past year, and in the case of some of them I am sure that if the Senator from North Carolina had been put in the position of determining the matter, because of his humanitarian impulses he would have said they ought not to have been deported.

Mr. REYNOLDS. Mr. President, if the Senator from New York will yield further until I may answer the Senator from Utah, the O'Day resolution, which was introduced in the House last year, called for laying aside, so to speak, the mandatory features of the deportation law for a period of 1 year, which, according to my recollection, expired on March 1. That time having expired, there is no authority under law, resolution, or otherwise to keep in this country those 2,862 persons, and every day they have remained here they have remained in violation of the law, because the law says they must be deported.

The O'Day resolution, which was adopted by the House, of course, had no legal effect. It never was brought to our attention here. The operation of a law cannot be nullified

or suspended by the adoption of a mere resolution. We have done so many things by resolution that many persons probably think laws may be made by resolution and suspended by resolution; but at the time that resolution was adopted only about 2,000 persons came within its terms. Since that time the number has been added to; and I contend that under the resolution the authorities had no legal right to hold here anybody other than those on the list at the time the resolution was passed.

Mr. President, I desire to take this opportunity to apologize to my good friend from New York for interrupting him, particularly since I wish to compliment the Senator from New York.

Mr. COPELAND. I thank the Senator.

After the conclusion of Mr. COPELAND's speech—

#### TUBERCULOSIS HOSPITALS AND THEIR OPERATION

Mr. ROBINSON. Mr. President, yesterday I introduced Senate bill 4516, relating to tuberculosis hospitals and their operation. There has been prepared by the committee of the Southern Tuberculosis Conference an interesting and instructive statement on the subject matter of the bill, and I ask that the statement, together with the accompanying tables, be printed in the RECORD, as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement and tables were ordered to be printed in the RECORD, as follows:

#### THE NEED OF ADDITIONAL SANATORIUM BEDS IN TUBERCULOSIS WORK

Tuberculosis is no respecter of persons. It invades all classes of society, but its devastating and demoralizing effect is most evident in the homes of families in moderate circumstances and below.

According to the figures given by the Department of Commerce, Bureau of the Census, August 30, 1935, tuberculosis in 1934 caused 48.4 percent of all deaths from infectious and parasitic diseases. In other words, it killed nearly as many persons as all this class of diseases combined. It cost 71,609 lives and had a mortality 15 times as great as diphtheria and 84 times that of infantile paralysis. Among babies under 1 year of age the tuberculosis death rate is about 45 per 100,000—higher than that for diphtheria, scarlet fever, or mumps. It ranks seventh among the causes of death of all ages, being exceeded by heart disease, pneumonia, cancer, nephritis, cerebral hemorrhage, and accidents, but first in the productive ages 15 to 45. Sixty-seven percent of all deaths from tuberculosis occurs in this age group, whereas these other causes, with the exception of accidents, are largely fatalities of middle life and old age.

A recent study of deaths, by occupations, based on data of the United States Census Bureau, showed that tuberculosis is the second cause of death among men aged 15 to 64 in the United States, and also the second cause of death among gainfully occupied men in the same group. The rate fluctuates widely from a low of 20.3 per 100,000 among lawyers and judges to a tenfold high of 238.6 among factory and building-construction laborers. Porters in domestic and personal service have a tuberculosis death rate above 600. In Negroes the national rate is 3.6 times the white, in Florida 4.2 times the white, and in certain urban areas it reaches 6 times the white. The Negro migration during the war period has greatly intensified the problem in urban centers of the North.

Tuberculosis cost the United States more than forty-three millions in 1932 for service compensation alone. From 1923 to 1932 the Government paid out \$400,090,756 in compensation to World War veterans sick with this disease. The sum is one-third the total amount paid for compensation and does not include hospitalization.

Pneumonia runs its course in 9 days, typhoid in about 3 weeks. The average length of disability from tuberculosis is 2½ years, during much of which the wage earner suffers total loss of income. Sick people are not producers of wealth or sources of taxation but are a burden to the family or the community. As a usual result, regardless of the termination of the disease in the patient, family finances are wrecked and only too often the home is broken by death or poverty. Tuberculosis has been well called the maker of orphans. The Metropolitan Life Insurance Co. estimates that for each death from tuberculosis there are two children either totally or partially orphaned. Since broken homes are reckoned as one of the most prolific causes of delinquency, much crime may be safely charged to this plague.

That tuberculosis can be controlled is shown by the fact that in the 35 years since the fight on it began the death rate has dropped from 200 per 100,000 in 1900 to 59.5 in 1933. From the beginning the importance of segregation and treatment was recognized, and the sanatorium was the hub of the program. With the advance in methods of treatment and wider use of surgery, the sanatorium has become increasingly important. It fills a threefold place in the picture—preventing the spread by segregation, affording scientific treatment, and training the patients so that they become home missionaries on the cure and prevention of the disease. Cases that can have early hospitalization have a far better chance of recovery and infect fewer persons than advanced cases. Where sanatorium provision has been



adequate the best results have been obtained. A case in point is the city of Detroit where within the last few years two beds per death have been provided, with the result that patients are seldom on the waiting list very long, their stay in the sanatorium is much shortened, and the death rate has diminished with consequent increased value to the taxpayer who gets more for his money and to the city a greater social benefit.

In 1934 there were 73,615 sanatorium beds for the tuberculous in this country, exclusive of those in Federal and penal institutions and hospitals for the insane. Exhibit A shows sanatorium provision, by States. The goal set some years ago by the National Tuberculosis Association as a working minimum for each State was one bed per death. Twenty-one States have reached that goal and several exceed two beds per death.

In some States, however, sanatorium provision is notoriously inadequate, and the tuberculous sick constitute a serious economic problem. Arizona, with the highest rate in the Nation, 225 per 100,000, suffers from an influx of indigent invalids for whom she is entirely unable to care. The South, with 74.1 percent of the Negro population and a per-capita wealth of approximately \$1,785 as compared to \$3,609 for the rest of the Nation, has made provision for its whites which compares not unfavorably with other sections but has been unable to carry the load of its dependent Negro group. It is not likely that many of these States will make great headway with this problem without Federal help. With the sanatorium the crux of the tuberculosis control, tuberculosis promises to be a long story with the Negro race unless the Federal Government steps in.

The Federal Government has already recognized its responsibility for assisting the States in the control of communicable diseases. Tuberculosis is a recognized article of interstate commerce. The United States Public Health Service has had long practice in working with State health departments, and the channels are already open through which expansion of its activities may move into the sanatorium field. In many States existing properties might be acquired by purchase or lease. Plants already existing need only additional wards. Beds in general hospitals may be procured as well as vacant beds in private sanatoria. New plants can be built and equipped at a cost of \$2,500 per bed throughout the South and \$3,500 in the rest of the Nation. Exhibit "A" shows the needs of the various States, and exhibit "B" of the southern group, where it will be noted the greatest dearth of beds in the entire Nation lies among the Negroes of the South, where on the basis of bringing each State's quota up to one bed per death, three-fifths of the suggested provision would ultimately fall.

In a talk before the New York Tuberculosis and Health Association and associated agencies in New York on February 25, Dr. Thomas Parran, Jr., State commissioner of health and president-elect of the American Public Health Association, made this significant statement:

"The greatest need for health action is where the greatest saving of life can be made. First, I would place tuberculosis. The tremendous decline in tuberculosis in New York State from 173 per 100,000 population in 1905 to less than 50 in 1935 should not obscure the fact that it is still the leading cause of death in the 20 to 40 age group. Our slogan used to read, 'Tuberculosis is preventable; tuberculosis is curable.' I maintain that it may now be amended to read, 'Tuberculosis can be wiped out in our State and Nation.'"

Figures given in this brief can be supported by United States census and public-health records and studies of scientists associated with the National Tuberculosis Association.

Submitted by: Committee of Southern Tuberculosis Conference; Erie Chambers, executive secretary, Arkansas Tuberculosis Association, chairman; J. P. Kranz, secretary, Southern Tuberculosis Conference; Dr. Elva Wright, president, Southern Tuberculosis Conference; Mrs. John M. McBryde, executive secretary, Louisiana Tuberculosis and Health Association; Dr. L. J. Moorman, director, Oklahoma Tuberculosis Association; Dr. J. W. E. Beck, director, Texas Tuberculosis Association.

#### EXHIBIT A

Estimated cost of establishment and maintenance of additional beds for tuberculosis cases (December 1935)

State	Number beds, excluding Federal and penal institutions and hospitals for insane, 1934	Number deaths from all forms of tuberculosis, 1934	Shortage (-) or excess (+) of beds over deaths	Establishment cost of additional beds, at \$3,300 per bed	Annual maintenance cost, at \$910 per patient
United States	73,615	71,609	+2,006		
Alabama	256	1,768	-1,512	\$4,989,600	\$1,375,920
Arizona	558	1,055	-497	1,640,100	452,270
Arkansas	605	1,059	-454	1,498,200	413,140
California	5,671	4,614	+1,057		
Colorado	2,139	819	+1,320		
Connecticut	1,782	734	+1,048		
Delaware	159	157	+2		
District of Columbia	393	612	-219	900,900	248,430
Florida	259	953	-694	2,290,200	631,540

Estimated cost of establishment and maintenance of additional beds for tuberculosis cases (December 1935)—Continued

State	Number beds, excluding Federal and penal institutions and hospitals for insane, 1934	Number deaths from all forms of tuberculosis, 1934	Shortage (-) or excess (+) of beds over deaths	Establishment cost of additional beds, at \$3,300 per bed	Annual maintenance cost, at \$910 per patient
Georgia	675	1,784	-1,109	\$3,659,700	\$1,009,190
Idaho	39	147	-108	356,400	98,280
Illinois	4,274	4,134	+140		
Indiana	1,298	1,796	-498	1,643,400	453,180
Iowa	691	620	+71		
Kansas	388	519	-131	432,300	119,210
Kentucky	670	2,092	-1,422	4,692,600	1,294,020
Louisiana	671	1,523	-852	2,811,600	775,320
Maine	526	303	+223		
Maryland	1,340	1,331	+9		
Massachusetts	4,410	2,108	+2,302		
Michigan	4,630	2,225	+2,405		
Minnesota	2,321	927	+1,394		
Mississippi	574	1,239	-665	2,194,500	605,150
Missouri	1,660	2,211	-551	1,818,300	501,410
Montana	156	265	-109	359,700	99,190
Nebraska	285	304	-19	62,700	17,290
Nevada	8	89	-81	267,300	73,710
New Hampshire	210	167	+43		
New Jersey	3,301	2,216	+1,085		
New Mexico	706	559	+147		
New York	11,368	7,598	+3,770		
North Carolina	1,418	2,158	-740	2,442,000	673,400
North Dakota	243	171	+72		
Ohio	3,703	3,519	+184		
Oklahoma	634	1,162	-528	1,742,400	490,480
Oregon	518	357	+161		
Pennsylvania	5,260	4,976	+284		
Rhode Island	627	313	+314		
South Carolina	653	1,112	-459	1,514,700	417,690
South Dakota	192	250	-58	191,400	52,780
Tennessee	1,171	2,457	-1,286	4,243,800	1,170,290
Texas	2,010	4,020	-2,010	6,633,000	1,829,100
Utah	48	110	-62	204,600	56,420
Vermont	164	190	-26	85,800	23,660
Virginia	1,214	1,949	-735	2,425,500	668,850
Washington	910	765	+145		
West Virginia	782	985	-203	669,900	184,730
Wisconsin	2,066	1,144	+922		
Wyoming	33	43	-10	33,000	9,100
Total for 27 States with shortage of beds			-15,092	49,803,600	13,733,720

#### EXHIBIT B

ESTIMATE OF COST OF CONSTRUCTION AND EQUIPMENT ON THE BASIS OF SUPPLYING ENOUGH BEDS TO BRING EACH STATE'S QUOTA TO ONE PER DEATH

##### Beds needed in 13 Southern States

Alabama	1,512
Arkansas	454
Florida	694
Georgia	1,109
Kentucky	1,422
Louisiana	852
Mississippi	665
North Carolina	740
Oklahoma	528
South Carolina	459
Tennessee	1,286
Texas	2,010
Virginia	735
	12,466
At \$2,500	\$31,165,000
Outside the South, 2,625 at \$3,300	8,665,800
	39,830,800
Annual maximum maintenance cost \$2.50 per day	13,801,634
If Federal Government agrees to pay 50 percent of maintenance, not to exceed \$1.25 per day, Federal Government's part annually	6,900,817

If the State is required to match Federal maintenance, this figure will probably be kept lower, particularly for beds in the South.

No amount is figured for administrative expense in the Surgeon General's office, as committee has no means of estimating cost.

#### POSITION OF UNITED STATES IN WORLD COMMERCE

Mr. METCALF. Mr. President, before I begin my remarks relating to the subject I have in mind, I ask to have printed in the RECORD, as a part of my remarks, an article published in the Journal of Commerce of New York, April

21, 1936, entitled "U. S. Held Concerned on Loss of Position in World Commerce."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Journal of Commerce of Apr. 21, 1936]

UNITED STATES HELD CONCERNED ON LOSS OF POSITION IN WORLD COMMERCE—BELIEF IS BASED ON DELAY OF MARCH REPORT OUTLINING INTERNATIONAL PAYMENTS—CABINET MEMBERS PLAN TO CONSULT ROOSEVELT—HULL PROTESTS PEEK PROGRAM VESTING CONTROL OF TRADE IN NEW GOVERNMENT AUTHORITY

By Clarence L. Linz

WASHINGTON, April 20.—The annual balance-of-payments study of the United States, said to disclose that this country has lost its position as the world's great creditor nation and is on the verge of again being a debtor country, as yet unpublished by the Department of Commerce, is causing some apprehension to the administration, it is reported.

Ordinarily the Department of Commerce issues its report upon the balance of international payments early in March. In the formulation of the report this year, it is rumored, there entered several factors contradictory of the New Deal contentions, so that it was deemed best by President Roosevelt's advisers, including Secretary of Commerce Roper, Secretary of the Treasury Morgenthau, and Secretary of Agriculture Wallace, that the Chief Executive be apprised of the situation.

#### PLAN TO SEE PRESIDENT

They had hoped to discuss the matter with Mr. Roosevelt before he went on his recent fishing vacation and now find they cannot get to him with their problem before some time next week at the earliest.

It has been the standard argument of economists that, because of America's position as the world's greatest creditor nation, that the exorbitant rates of the infamous Hawley-Smoot tariff law must be reduced to facilitate the entry of foreign goods and to bring our balance to even level.

Today letters were made public from Secretary of State Hull in opposition to such legislation, characterizing it as carrying out the viewpoint of Mr. Peek and unnecessary in view of the present set-up in the administration for dealing with foreign-trade policy.

It was in 1934 that Peek discussed the desirability of unifying foreign-trade activities of the Government which, he contended, is spread over 50 or more independent jurisdictions. Later when Senator SHEPPARD introduced his bill the suggestion was given the indorsement of the National Foreign Trade Council.

"The purpose of such a law, as stated in sections 2 and 3", wrote President E. P. Thomas, "will accomplish the very desirable purpose of assisting in the coordination of the functions and practices of the large number of governmental bureaus concerned with our foreign trade and aid in the formulation of foreign-trade policies which should be of assistance in the furtherance of our export and import commerce."

"While time has not permitted, since introduction of your bill, obtaining full consideration by foreign-trade organizations, we regard it as highly essential that a foreign-trade board be constituted, empowered, and capable of accomplishing the objectives outlined, irrespective of what may be deemed the suitable personnel of a permanent board to make it fully representative of all the agencies of the Government which now has numerous and varied problems under their separate jurisdictions, requiring essential coordination and cooperation, without foreign-trade interests."

#### SECRETARY ELABORATES VIEWS

Secretary Hull declared that from the statement of the number of Government agencies interested in the subject "it would appear that a high degree of confusion exists in this list, since no attempt is made to discriminate between subordinate organizations having incidental knowledge or administrative functions in connection with foreign commerce and those Cabinet executives who are responsible for and with the President share our national policy in the expansion of our foreign commerce."

He asserted that a very erroneous picture of the situation had been presented; that the actual governmental organizations having the duty and power to shape policies in this field are few, and they are represented upon the executive committee on commercial policy.

Through that committee, said Mr. Hull, they are in active consultation with each other, and in that committee a satisfactory procedure of consultation has been developed. This, he added, is an adequate agency for effecting the purposes of the bill, "and may be trusted to continue to develop that work." The membership of the committee includes the Departments of State, Treasury, Agriculture, and Commerce; Tariff Commission and Agricultural Adjustment Administration.

#### CENTRALIZATION OF FUNCTIONS

He averred that there has been centralized in the hands of one agency supervision of all governmental activities affecting our export and import trade and through exchanges of views coordinating the policy between the various departments and agencies. The committee serves as a channel for the discussion of new and pressing problems in the field of commercial policy and recommends action to the appropriate agencies. For example, Hull said, the committee has concerned itself with problems arising out of

the competition in the United States of certain commodities imported from Japan and has recommended means of dealing with those problems.

Mr. METCALF. Mr. President, the 19,000 workers in the lace mills are very much alarmed over the prospect of being added to the already large army of unemployed by the inability of their employers to continue in business in face of foreign competition.

There is on the point of consummation a reciprocal trade agreement with France. While Secretary of State Hull declines to make known his intentions in respect of rate reductions in favor of that country, French officials are said to be less secretive and to have informed their people of their success in opening the way for the marked-downward revision of the lace tariff.

These lace manufacturers and workers in my State have been joined by others in other States in appealing to Senators for aid in preventing this happening. It is a sad commentary upon the constitutionally guaranteed independence of the legislative body to have to confess that while the parliaments of other lands have the right of review over such treaty-making powers of their governments, we have surrendered such a right to the executive branch of the Government.

We, who are the direct representatives of the people, are denied a voice in determining such vital policies as the protection of our constituencies, and forced to submit them to the dictates of men who seemingly, by temperament and training, are not particularly well equipped for the duties they are assuming.

With millions roaming the streets looking for work, the question arises whether one is seeking recovery for the United States or for foreign nations.

Secretary Roper's Department of Commerce announces that in March United States exports increased about \$14,500,000 over the preceding 29-day month of February, while imports were a little less than \$7,500,000 above February.

His report showed that for the first time in 10 years February and March imports were greater than exports. Now, about \$4,500,000 of the increase in March over February exports is due to increased sales of unmanufactured cotton—this in the list of commodities subject to seasonal influences. In contrast with this is the statement that the increase in imports for consumption was due chiefly to larger imports of sugar, textiles, hides, skins, furs, paper base stocks, and newsprint.

An analysis of the Department of Commerce figures would seem to me to warrant the apprehension of our mill workers. The textile industry has suffered the loss of a needed portion of their home market through the uncontrolled entry into the United States of Japanese textiles. Now comes the threat of more competition from France, not only in laces, but all kinds of so-called Paris manufactures.

My constituents assuredly have before them the question of whether the underlying policies, based on the theories so often expounded by Secretary of State Hull, are in fact sound and whether the Government reports, even prepared with a view to painting the brightest kind of a picture to support that official, will not show it all to be a veritable dream picture ultimating in a break-down of our economy, when it is too late for even a New Deal magician to put the parts together again.

The New York Journal of Commerce reports "U. S. held concerned on loss of position in world commerce", the headlines of the article by its Washington correspondent adding that the "belief is based on delay of March report outlining international payments." This story alludes to the contest between Secretary Hull and George N. Peek, who for a long time was the special adviser to President Roosevelt on foreign trade, over their respective viewpoints as to how to deal with our trade situation, Mr. Peek approaching the matter from a practical standpoint gained through years of actual business experience.

It relates also to our lace situation, and the article continuing in its analysis of the situation shows the efforts being made by Mr. Hull to be dictator of our trade policies. I



have protested the rumored reduction in the tariff on French lace and have been informed by Secretary Hull that "thoughtful study in connection with the negotiation of trade agreements with foreign countries" is being made. I am afraid that most of this "thoughtful study" is carried on by foreign diplomats and the result will be further loss of our export market and increased unemployment.

#### THE AIR CORPS

Mr. SHEPPARD. Mr. President, I wish to move to recommit for further study a bill recently reported by the Senate Committee on Military Affairs. I refer to Senate bill 4309 to increase the efficiency of the Air Corps Reserve. I also move that a similar bill which has come over from the House of Representatives, being House bill 11920, to increase the efficiency of the Air Corps, be referred to the Committee on Military Affairs.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, I feel bound to object if the motion is insisted upon. There are present on this side of the Chamber only the Senator from Maine [Mr. WHITE], the Senator from Pennsylvania [Mr. DAVIS], and myself. At this late hour I feel bound not to assent to a unanimous-consent agreement which undertakes to transact legislative business. I know that many Senators have left because it was the understanding that nothing else would be done except the taking of a recess after the debate on the pending business was concluded.

Mr. SHEPPARD. I withdraw the request.

#### EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. NEELY in the chair). The reports will be placed on the Executive Calendar.

#### NOMINATION OF WILLIAM H. STROUD—RECOMMITTAL

Mr. McKELLAR. Mr. President, at the request of the Senator from Alabama [Mr. BLACK], I ask unanimous consent that the nomination of William H. Stroud to be postmaster at Verbena, Ala., now on the Executive Calendar, be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### NOMINATION OF GLEN A. HENDERSON—RECOMMITTAL

Mr. McKELLAR. Likewise, at the request of the Post Office Department, I ask unanimous consent that the nomination of Glen A. Henderson to be postmaster at Houlton, Oreg., also on the Executive Calendar, be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the first nomination in order on the calendar.

#### DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of R. Henry Norweb, of Ohio, to be Envoy Extraordinary and Minister Plenipotentiary to Bolivia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Fay A. Des Portes, of South Carolina, to be Envoy Extraordinary and Minister Plenipotentiary to Guatemala.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Raymond E. Cox, of New York, to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk proceeded to read sundry other nominations in the Diplomatic and Foreign Service.

Mr. ROBINSON. I ask unanimous consent that the remaining nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

#### PUBLIC WORKS ADMINISTRATION

The legislative clerk read the nomination of John L. M. Irby, of South Carolina, to be State director in South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, with the exceptions of the nominations which have been recommitted, I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations, with the exceptions referred to, are confirmed en bloc. That completes the calendar.

#### RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Thursday, April 23, 1936, at 12 o'clock meridian.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate, April 22 (legislative day of Feb. 24), 1936*

#### DIPLOMATIC AND FOREIGN SERVICE

R. Henry Norweb to be envoy extraordinary and minister plenipotentiary to Bolivia.

Fay A. Des Portes to be envoy extraordinary and minister plenipotentiary to Guatemala.

Raymond E. Cox to be consul general.

J. Webb Benton to be consul.

Joseph F. Burt to be secretary in the Diplomatic Service. Daniel M. Braddock to be secretary in the Diplomatic Service.

Ware Adams to be secretary in the Diplomatic Service.

William K. Ailshie to be secretary in the Diplomatic Service.

Ralph J. Blake to be secretary in the Diplomatic Service. Claude B. Chipfield to be secretary in the Diplomatic Service.

Albert E. Clattenburg, Jr., to be secretary in the Diplomatic Service.

Montgomery H. Colladay to be secretary in the Diplomatic Service.

William S. Farrell to be secretary in the Diplomatic Service.

R. Borden Reams to be secretary in the Diplomatic Service.

Arthur R. Ringwalt to be secretary in the Diplomatic Service.

William E. Scotten to be secretary in the Diplomatic Service.

Elvin Selbert to be secretary in the Diplomatic Service.

Llewellyn E. Thompson, Jr., to be secretary in the Diplomatic Service.

Milton Patterson Thompson to be secretary in the Diplomatic Service.

#### PUBLIC WORKS ADMINISTRATION

John L. M. Irby to be State director for the Public Works Administration in South Carolina.

## POSTMASTERS

## ALABAMA

Troy A. Phillips, Altoona.  
 Grace Ward, Brent.  
 William Lee English, Elba.  
 Sister Mary Teresa, Holy Trinity.  
 Ruth K. Bullard, Lockhart.  
 George B. Pickens, Moundville.  
 Lillian J. Arnold, Pisgah.  
 Marion R. Buckalew, Roanoke.  
 Cora A. Lee, Town Creek.  
 Velma F. Todd, Wilson Dam.  
 Gladys M. Bomar, Woodward.  
 Maggie Winingham, York.

## CALIFORNIA

George M. Belles, Bloomington.  
 Ira H. Arbuckle, Clovis.  
 Mary B. Janeiro, Decoto.  
 Dwight E. Knapp, Garberville.  
 Lillie Evadell Chapman, Gerber.  
 Lillian G. Brackett, Geyserville.  
 William R. Bernard, Gonzales.  
 Clarence Taylor Manville, Lawndale.  
 Claude T. Gadwood, Los Molinos.  
 Rose C. Tarwater, Murrieta.  
 Delmo Bernard Badasci, Riverdale.  
 Cornelius D. Mangan, St. Mary's College.  
 Hazel E. Avise, Walnut Creek.  
 Harold E. Rous, Yucaipa.

## COLORADO

John Bowman, Aspen.  
 Christella N. Funk, Calhan.  
 William Jacob Pings, Carbondale.  
 Vernon Peiffer, Cripple Creek.  
 Harry K. Balvin, Elizabeth.  
 Martin J. Dugan, Fleming.  
 Arthur S. Gustafson, Fort Lupton.  
 William M. Jones, Hugo.  
 James Fenolia, Louisville.  
 Charles Leonard Drage, Lyons.  
 Dacie S. Johnson, Mount Harris.  
 Wright O. Ball, Meeker.  
 James M. McLearn, Rifle.

## GEORGIA

C. Leland Paris, Alpharetta.  
 Virginia E. Holder, Jefferson.  
 D. Alton Willis, Meigs.  
 Seaborn H. Coker, Sycamore.

## HAWAII

Solomon Burke, Honokaa.

## KANSAS

Anna Gradie DeBolt, Altoona.  
 Charles T. Hill, Arkansas City.  
 Peter D. Spellman, Beloit.  
 Anna L. Miller, Bushton.  
 James B. Searle, Cawker City.  
 Max Montgomery, Cedar Vale.  
 Virgil F. Young, Clearwater.  
 John E. Brogan, Coffeyville.  
 Ada S. George, Lebo.  
 Albert T. Campbell, Marion.  
 Selma E. Kaufman, Moundridge.  
 Thomas J. Cummings, Jr., Ottawa.  
 Helena W. Anderson, Peru.  
 Jay T. Hill, Wamego.  
 Thomas E. Van Meter, Winfield.

## MAINE

Anna M. McCann, Bucksport.  
 Francis P. Foley, Winterport.  
 Harry Clair Miller, Winthrop.

## MISSISSIPPI

Mills T. Williams, Durant.  
 James T. Skelton, Goodman.

## NEBRASKA

Charles Hugh Miner, Red Cloud.  
 Albert E. Pratt, Tobias.

## OHIO

Orville T. Castor, Arlington.  
 James M. McClure, Ashtabula.  
 Earl C. Hillyer, Atwater.  
 Albert P. Hahn, Baltic.  
 William P. Ziegler, Belle Center.  
 Mary Costigan, Berlin Heights.  
 Robert Waugh, Brilliant.  
 Jeanette Long, Brunswick.  
 Joseph W. Johnston, Coshocton.  
 Francis P. Hayes, Crestline.  
 Mary Ester Dunn, Cygnet.  
 William E. Haas, Delaware.  
 Ora DeVere Blizzard, Frazeeburg.  
 Mary J. Rosebraugh, Hebron.  
 Blanche L. Geiger, Lakeview.  
 Earl R. Leach, Lima.  
 Henry Beuchat, Louisville.  
 Herman C. Doellinger, Marysville.  
 Glen F. Carver, Mentor.  
 Roy C. Walker, Milan.  
 Ralph M. Connolly, Milford Center.  
 Fred C. Banister, New Richmond.  
 Nellie Y. Roberts, North Baltimore.  
 Irvin H. Menter, Pemberville.  
 Milton C. Hickman, Perry.  
 David K. De Long, Perrysville.  
 Cary B. Holycross, Plain City.  
 Estella Holter, Racine.  
 William B. Swonger, Sidney.  
 Chester A. Hostetler, Strasburg.  
 Samuel A. Smith, Sugarcreek.  
 John H. Petitjean, Versailles.  
 Fred N. Ney, Weston.

## OKLAHOMA

Ernest D. Peck, Carmen.  
 Charles Walter Johnston, Seminole.  
 Frank Bailey, Vinita.

## OREGON

Blanche E. North, Bonneville.  
 Sanford Stanley Partridge, Garibaldi.  
 Susie B. Dillard, St. Helens.  
 Rosemary Schenck, Toledo.  
 Roy G. Magnuson, Warrenton.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 22, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful and eternal God, we thank Thee for the supreme expression of divine love. It transmutes the dross of selfishness; it makes a halo in the darkness and turns its shadow into morning. We would humble ourselves under Thy hand, our Heavenly Father, that we may be exalted and be used for wise and patriotic service. Inspire us with that knowledge that expresses itself in the most helpful legislation. Be with every section of our country in these unnerving times with their blendings of sufferings and joys. We beseech Thee to fill our minds with the realities of the unseen, and may we be even contemptuous of the things that frighten the weak and wreck their souls. Move us to unrelenting labors and ceaseless endeavor to improve the conditions of our fellow men. In the name of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Horne, its enroll-  
 ing clerk, announced that the Senate had passed without



amendment a concurrent resolution of the House of the following title:

H. Con. Res. 48. Concurrent resolution authorizing the printing of additional copies of the hearings on the bill entitled "The Revenue Act of 1936."

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 12037. An act relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3531. An act to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries and for other purposes", approved May 15, 1928; and

S. Con. Res. 35. Concurrent resolution to provide for the printing of the revised edition of the Constitution of the United States of America (annotated).

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 3413. An act to give effect to the Convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes; and

S. J. Res. 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes.

#### TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1937

Mr. LUDLOW submitted a conference report on the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes.

#### FARM, HOME, AND SOIL REHABILITATION A NATIONAL NECESSITY—THREE ACRES AND THRIFT

Mr. COLDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLDEN. Mr. Speaker, I have little patience with the caustic and carping critics of this administration who assail the so-called "brain trust" and President Roosevelt's attempt to rehabilitate men and soil and the natural resources of our country. It is shocking to think that a program so fundamental to the happiness and prosperity of this country has been so long delayed. I congratulate the New Deal leaders who have had the courage to formulate the basic ground work of an agricultural and rural program, which, if carried out, will assure an unhappy part of our population prosperity, security, and contentment—the enduring foundation of a truly great government. I believe the "brain trusters" are launching a self-help program of tremendous value to the forgotten man, to the farm tenant who clings to barnlike hovels and chicken-house conveniences, and to the unfortunate rural people who have jumped from the frying pan of the barren farm into the feverish fire of city slums and there trapped by its baffling environment of poverty, vice, crime, and disease. In my opinion, these leaders with a vision will be memorialized in stone and story by future generations and their detractors buried in deserved oblivion.

The New Deal is making an important approach to, and a commendable recognition of, this stupendous problem of the rehabilitation of population and the resources of land and soil, rivers and forests, and the restoration of home ownership, and the reinstatement of the victims of misfortune to their inalienable rights of an abundant life, economic liberty, and the pursuit of happiness.

What a paradox, what a reproach to our present economic system that millions deprived of employment suffer for food, clothing, and modern shelter while cribs are bursting with corn and wheat, feed yards grunting with prime cattle and fat swine, storehouses overloaded with cotton and wool, and idle mechanics eager to build with overabundant materials. The prayers for help, the pleas for employment, the demand for a solution is heard in every corner of our land. This issue must be faced, this problem must be solved. The only beacon on the horizon, the only hope that lights the future is the efforts of the present administration in inaugurating new agencies to combat this blight of today's civilization.

Mr. Speaker, 50 years after my parents had departed from a landlord's acres on the banks of Spoon River in central Illinois and had purchased lands in northwest Missouri, I returned to the scene of my childhood. Approaching this fertile land with eager curiosity I met with surprise and disappointment. Few of the early family names had survived, except in the cemeteries. Thriving small towns had been reduced to a post office, an elevator, a coal yard, and a gas station. All but a very few of my childhood playmates had sought other fields of endeavor. Only three farms in our neighborhood remained in the possession of the descendants of the pioneer families of 50 years ago. Many of the early and one-time prosperous homes and churches showed signs of neglect, and others were deserted, and some had disappeared. The river was choked, the springs and lakes dry, but the ditches were deeper.

The saddest sight of all was my first schoolhouse. In the 50 years it may have been rebuilt, but there it stood as of old at the crossroads on an acre bleak and barren, devoid of a single tree or shrub. One tree would have added beauty and value to the uninviting surroundings. It scarcely seemed possible that not one teacher in 50 years had corrected this deficiency, this ugliness of neglect, this void of beauty, that could easily have been transformed by the simple act of planting a dozen trees. But these teachers without vision, without thought of posterity, were but typical of all America, that has been ruthlessly destroying and exploiting the rich resources of our country, not only here but elsewhere and everywhere, not only in central Illinois, but throughout the 48 States of the Union. We must regretfully admit that our people, all of us, have invited the floods, the erosion, the droughts, and the dust storms, and the calamities that follow.

I have often reflected and remarked concerning the striking changes in my childhood country. What occurred there was repeated in northwest Missouri, my later home. The soil has lost much of its virgin fertility. Farms have been consolidated and many happy homes have been deserted and fallen into decay. Wherever you travel in the Middle West, the North, the East, and New England, the South, you find the constant and never-ending erosion of the soil, the cancerous growth of tenancy, and the removal and the decline of the population. Somehow I am unable to disassociate rich soil, prosperous homes, and contentment, and the correlated conclusion that poor soil breeds poverty and discontent. And I draw the further conclusion that the erosion of the soil, the destruction of national resources threaten a corresponding decadence of the population and the Nation. In reviewing this problem from a national viewpoint it seems relevant to take stock of some of the contributory causes that have added to the decline of agriculture and the migration from the farm to the city.

#### THE RURAL SCHOOL

The country school, the humble temple of hope and destiny, has been a factor in the great emigration of the farmer boy and girl, deserting the hearth of their ancestors and departing for the glamor of the great city. Too many of our schoolbooks, too many of our urban-awed teachers, pic-



tured the charm and the attraction of city life and failed to see and to appreciate the values of rural life. Every gray-haired Member here still can see the great bridges pictured in the geography, along with tall and mysterious buildings, busy streets, mammoth packing houses without an odor, steel mills without grime, flour mills without dust, the gardened mansions minus the stench and poverty of slums. The problems of arithmetic were taken from the counter and the cash box, and rarely, if ever, did the rural teacher instruct a pupil how to measure a corncrib, a bin of wheat, stack of hay, or a field of corn or wheat. No attention was paid to the mathematics of the farm, the geography of the neighborhood, or to the domestic life of the community.

Fortunately, many rural teachers have awakened to the necessity of a revitalized rural school. Country students are now being taught the values of rural life. The school district with its farms, buildings, and orchards, its highways, streams, and bridges furnishes a vivid lesson in geography and map making at home. The roots of history are found in the neighborhood and in the biographies of the pioneers. The mathematics of the farm and the community keep busy the classes in arithmetic. The judging of livestock, the study of plant life, birds, and insects are among the interesting studies of modern rural schools. Drawing and household art and science afford an inviting field. Prof. Bert Cooper, of the Missouri State Teachers College at Maryville, Mo., has made a notable and worthy contribution to the cause of rural education along these interesting paths. Many years ago, as the first president of the board of regents of this teachers college, I was happy to have a part in the revitalization of the rural school, which I consider one of the important experiences of my life.

#### FARMERS ASK BENEFITS

The protective tariffs of this country have been framed to foster, protect, and to build industry. The farmers of this country have paid a large part of the burden of tariffs. The farmers have paid more for their clothing, their farm implements, and for many other commodities and supplies, on the theory that the final result would be a better market for the farmer and better wages for the worker. But we have witnessed that many great industrial enterprises did not pass their benefits on to the worker, but for years imported and availed themselves of the cheapest alien labor to be found. While the American worker has suffered, and now suffers, from this tremendous foreign immigration, the farmer has been obliged to sell his surplus in the foreign markets, competing with the cheapest agricultural products of the world.

While the A. A. A.—the Agricultural Adjustment Administration—had numerous difficulties, and in some of its applications aroused violent controversy, yet it was an emergency effort to equalize the benefits of domestic production and to give to the farmer in a different way the same benefit that the industrialists have enjoyed from their protective tariff. So one of the problems of the farmer is to secure the governmental aid that has been given to the industrial development of the country. Yet some of the great industries that have grown to be colossal enterprises from the tribute exacted from the farmer by enacted special privilege are the most bitter and persistent opponents of the New Deal program to spread the benefits of Federal legislation to all alike, to the manufacturer and to those who toil on the farm in the sun, the rain, and the snow. The decision of the Supreme Court in declaring the A. A. A. unconstitutional has obliged Congress to seek other methods to bring relief and economic justice to our rural population. The benefits to agriculture and industry must be balanced.

#### FOREIGN MARKETS UNCERTAIN

Another problem that presents itself to the farmer of today is the disappearance of our country's foreign markets for wheat and cotton, our two great agricultural surpluses. To depend upon selling this great surplus in foreign markets means that our farmers must be brought to the level of competition with the poorly paid labor of foreign lands, where the standard of living is far below our own. The inevitable conclusion is that we must control the surplus production of cotton and wheat, and other agricultural products, for our own use, and turn these productive areas into other crops and

uses to provide us with other necessities and comforts of which we have a scarcity. This, too, requires careful national planning.

#### FAIR TRADE FOR FARMERS

Some foreign markets for agricultural products can be restored by reciprocal treaties. This is now being done by the New Deal administration. Already treaties have been made that enlarge the market for farm and orchard products as well as for industry. The reciprocal program provides for a fair exchange between nations that have a surplus. This method has already increased the demand for California fruits and other products adapted to our State. Many other sections of our country have been benefited. Reciprocity means fair trade and has many possibilities in developing a wider market. Our country consumes vast quantities of tea, coffee, sugar, rubber, silk, and other foreign products, and it is a reasonable request that the beneficiaries of our great market should reciprocate by affording a market for our surpluses.

#### RAILWAY DISCRIMINATION

Another factor that has been a severe handicap to the farmer is high transportation costs and the railway discrimination and rebate system that existed some years ago, at the period when our country was undergoing its most rapid industrial and agricultural development. The railroads decidedly discriminated in favor of competitive points and to these points the industries flocked and consequently the population of the country. These competitive centers still retain discriminating advantages. Coupled with the practice of promiscuous and discriminating rebates, these abuses enriched some individuals and ruined others, prospered favored industries and impoverished their competitors, and built cities at the expense of their neighboring towns. If, in those days, the industrial plants of this country could have been scattered throughout the rural sections, on the plan that Henry Ford has so successfully established a number of his plants, the country would have reached a much better balanced location and distribution of wealth and population. The manufacturing plants that are established in the cities because of railway advantages, usually in the way of favorable freight rates, have brought millions of the population from the country towns to the cities. How much better for the morale of the population if these manufacturing plants could have been distributed where the working people and the population would be in closer contact with the farms and their needful production!

The factory contiguous to the farm is an ideal situation for both the farmer and the worker. Because of the less cost of land it invites home ownership on the part of the worker. It affords him a larger plot of land and, in many instances, a few acres of land with which to augment his income. It gives him greater economic independence and enables him to own a few acres with which to provide a subsistence in his older days. In any event, he is assured of fresher vegetables, fruits, dairy products, a better living from the nearby farm, and the farmer is also benefited by accessible markets. This is an important factor that should always be considered in the regulation of transportation costs. Transportation rates have a social sequence of vast significance.

#### THE MACHINE AND CHEMISTRY

The machine on the farm has become an important factor. It wrought a revolution in the production of wheat and cotton and created the commercialized farm. It has displaced millions of farm laborers. The new cotton-picking machine threatens to displace a large population of whites, Negroes, and Mexicans throughout the southern sections of the country. This readjustment means loss of employment to thousands, their deprivation of tenant homes, that will prove calamitous to those displaced and heap another burden upon society and government.

Chemistry on the farm joins with the machine to add new problems to the farmer's life. Chemistry not only increases the product of acreage but it affords many substitutes for the products of the farm. While the machine has a tendency in many cases to enlarge the area of the farm, chemistry has a tendency to encourage intensive farming. The raising of



vegetables by chemical substance is increasing in popularity in some parts of the country. As yet it is an unknown commercial factor, but it has possibilities that may have tremendous effects upon the future area of the farm.

#### SPECULATION SHOULD BE CURTAILED

One of the handicaps of the "honest to goodness" farmer is the holding of land for speculative purposes. It would be to the interest of the real farmers to establish a graduated land tax, instead of the present system. There has been a serious abuse of the fundamental principle of taxation that men should pay taxes according to their wealth. To charge the same rate to the farmer with 100 acres, who has a family to support, as against the man who has 1,000 acres, with the same sized family, or no family, is not fair taxation. The graduated tax as is now used in the taxation of incomes and inheritances is much more equitable and should be applied to real estate, not only in the country but in the cities as well. The low-income citizen with the small home or farm necessary for the use and comfort of his family is entitled to exemption or the lowest possible tax rate, which should gradually increase on larger and more expensive investments. This would not only be a fair method of taxation but it would discourage holding land in both country and cities for speculation, further discourage landlordism and commercial farming, and help the landless.

#### TWO KINDS OF FARMERS

The restrictions and penalties on overproduction and regulation of crops should be eliminated as far as possible from the owner of 160 acres, or a less acreage, and who lives on his farm and supports and educates his family therefrom. Whatever penalties may be administered should be levied on the absentee landlord and upon the commercial farmer as far as possible. If production is to be curtailed, it should apply to those who wring their sustenance from the farmer in the field and from the great commercial farms that compete unfairly with the dirt farmer. The so-called farmer who farms the farmer should receive secondary consideration in any governmental policy, and the farmer who follows the plow should be granted the primary aid of the Government. One of the abuses of the A. A. A. program was the distribution of too large a proportion of Government aid to the landlord and the receipt of too small a portion by the tenant and sharecropper. In many instances the landlord curtailed his acreage and production, pocketed the Government bonus, and turned the sharecropper out on the highway. This is a vicious practice.

#### THE RISE OF TENANCY

It is most surprising to find by the 1930 census that in the State of Mississippi more than 72 percent of the farms were operated by tenants; Georgia follows with 68 percent, Louisiana with nearly 67 percent, South Carolina with 65 percent, and Alabama closely following. In the great State of Texas, with its abundance of cheap lands, almost 61 percent of all farms of the State are operated by tenants. In the prosperous States of Iowa and Nebraska over 47 percent of the farms are occupied by tenants. In the productive State of Illinois the percentage is over 43, Missouri nearly 35 percent, California 18 percent, with Oregon and Washington following closely. Strange as it may seem, the State with the largest number of farms occupied and operated by their owners is the hilly, stony, and stumpy State of Maine, with but 4½ percent of its farms operated by tenants. The percentage of the farms of the entire United States operated by tenants was 42.4 in the 1930 census. The accumulation of large tracts of land and the growth of tenancy is a national menace that demands our profound attention.

#### OUR FREE LANDS GONE

A problem that confronts the American people, and one that has brought us face to face with the same problem that has troubled the people of Europe for many centuries, is that our arable public lands are exhausted and that the free homestead is no longer to be had for the asking. When our fathers and forefathers faced misfortune, or when they started out in life with few worldly possessions, they moved

westward into the rich valleys, the woodlands, and the fertile prairies. There, with strong arms and eager hearts, they carved out their homes and farms and made America the great country that it is today. But the youth of this generation, if denied this opportunity of self-help, must seek employment and serve others or purchase land, much of which is held for speculation, and assume a mountain of debt.

#### THE HOME A CITADEL

In these days of congested city population and the growth of tenancy in our rural sections we must not overlook the importance of home building and home ownership. The country home and the city home contribute the strong attributes of good citizenship. The unmortgaged home, with the family free from debt, is a haven of comfort, fortified against the worries of doubt and uncertainty. A vine-clad cottage with its garden, its fruit, with a few productive acres, is the best security that this or any other nation affords. It is a citadel of good citizenship. It is the foundation of the church, the school, and the State. The home is an asset in a farm that must be considered in addition to its production possibilities.

The pride of home ownership, the ability to possess, the opportunity to derive a livelihood, the change from a transient to a permanent citizen and a solid member of the community have an invaluable individual and social effect. When a citizen establishes a home he becomes interested in the activities of the community, the church, the school, the civic, and political problems. His credit increases with the grocer and the doctor, and, we might add, with the automobile dealer and the repairman. Thus the citizen becomes entrenched and has a political and social as well as an economic value. Consequently, in spite of the depressing state of agriculture, the small estate, the acre tracts, become a refuge for those who find no employment or only part-time employment in our congested cities and industries.

#### THE ARMY OF UNEMPLOYED

Since the unemployed constitute such a large surplus in our population, these are faced with a hopeless future in the cities, where they must become a burden to the community and are reduced to a bare existence. In these days of unemployment, caused by the depression and the machine, there is little hope for the aged, as the employers generally, year by year, are employing younger men. The resettlement program and the acres out in the open afford an opportunity for self-sustenance to a continuous growing population.

One of the most fundamental programs of the New Deal is the resettlement and subsistence-homestead plans, now under the direction of the Department of Agriculture. Ways and means are being found to aid the tenant, the unemployed, and the overaged. New methods are being introduced to restore home ownership and to rehabilitate those who have fallen by the wayside. It is a plan that brightens the horizon, that rebuilds hope in the hearts of millions who have suffered discouragement and despair.

#### A DIFFICULT TASK

Those now looking to the land are faced with the competition of a rural population which has been in deep distress. In many parts of the country the soil is poor and ravaged by erosion. The forests that once conserved the moisture and afforded the rivers a normal flow have been destroyed, and the country subjected to alternate droughts and floods. This is a problem that cannot be met by tenants and farmers struggling with heavy mortgages. The tenant is impelled by unrelenting necessity to pay rents that spur him to exact every dollar from the soil of his field with little or no regard to future consequences. The farmer with a mortgage is driven by the same stern compulsion. Under the circumstances, there seems to be no agency except governmental to plan a resettlement and conservation program that will assist not only the tenant and the unemployed, but the mortgaged farmer, in order that they may become the owners of a home or a farm, and be enabled to rotate crops, rebuild soil, and plan their own economy, not for a single year, as does the tenant and the heavily mortgaged farmer, but for a period of years, thereby rehabilitating men and soil.



## BEGIN AT THE SOURCE

Mr. Speaker, digressing for a moment, it is my opinion that in our attempts to control floods we are like that unskilled but proud home owner who began painting his house at the bottom and worked to the top. We have built great levees on the lower Mississippi and other rivers, beginning at the bottom instead at the top. Much more attention should be given to the sources of floods. Check dams and storage basins near the source are more effective, in my judgment, than the expensive and uncertain structures in the lower lands.

## A BOYHOOD EXPERIENCE

When I was a small boy on a Spoon River farm, in the State of Illinois, I had an experience that grooved itself deeply in my memory and taught me a valuable lesson on the security of American life. Our family was poor. We were farm tenants, but we had rich relatives in a nearby city. At least, I thought so in my boyhood days. About 20 miles away I had an uncle who was a millwright. He dressed the stones that ground the grain at the gristmill that served the surrounding country. If I remember correctly, he earned \$10 or \$12 per week—a princely sum to my boyhood imagination. It was a memorable holiday when my parents, my sister, and myself were invited to this lovely little home in a small town in central Illinois. I still remember the white cottage, the green shutters, the white-painted picket fence, the front yard with grass and flowers and maple trees. In the rear was a garden and vines and berry bushes and a painted chicken house, where I gathered the eggs.

Upon our arrival the village band was in the yard—uniforms and drums and horns and other mysterious instruments that were thrilling wonders to me. It was the twenty-fifth wedding anniversary of these prosperous relatives, who not only owned this delightful little home but were set up above all their neighbors and friends because they had traveled to far away Philadelphia and had attended the centennial exposition. I was privileged to remain over for a week to live and to enjoy this luxury—this little palace of white and green.

## THEN MISFORTUNE CAME

Years passed away. My father and mother moved to northwest Missouri, where they purchased land on the prairies, where we all worked hard and prospered. Some years later my uncle and aunt arrived from Illinois. The mill had been closed by improved machinery and the competition from the great cities. My uncle was unemployed, a victim of the machine. He sold his little home and his furniture and with the proceeds came out to Missouri and rented a farm. He and his son purchased horses, harness, wagons, plows, and tilled the soil, but they were not successful farmers. The son became discouraged and went west to a cattle ranch in Wyoming. The uncle and aunt were disheartened. They had lost practically everything except their farm equipment. So they held another sale and now were reduced to about \$500, only a fragment of what they invested. Soon my uncle and aunt for \$150 had purchased 3 acres of stumpy hillside on which stood an abandoned log house. It once boasted of an orchard, but now the trees were grown up with sprouts and were full of worms and bugs. My father and I assisted our relatives to move to this desolate 3 acres. My heart ached as I thought of that comfortable little cottage back in Illinois and their reduction to this stumpy and worn 3 acres that held out such poor prospects.

## THRIFT ON 3 ACRES

But the misfortunes of life had not defeated the hopes of my uncle and aunt. They were sturdy Pennsylvania Dutch. They repaired the house, dug out the stumps, trimmed the trees, bought a cow, a pig, and chickens, and in the course of a few years had a surplus of fruits and berries and vegetables, meat, milk and butter, poultry, and eggs. The table in that old log cabin was one of the most delectable and satisfying for miles around. It was always overloaded with good things to eat—with jam and jellies and preserves and honey and other delicacies. This old couple spent many years

in labor and contentment. From the proceeds of 3 acres of stumpy hillside land they enjoyed a security and an abundance in life that neighbors did not attain with mortgaged farms many times as large and facilities much more ample.

As I think of it now, it was a security that defied mortgages, the ups and downs of markets of the great cities, and the richest bankers of the world. It was a security built on a rock and strong enough to withstand the adversities and the discouragements of life. Resettlement and subsistence homesteads, coupled with cooperatives, occur to me to be methods of making millions secure and content and an opportunity for that abundant life of which we dream.

The demonstration I witnessed on this thrifty 3 acres convinces me that a few fat acres and simple living is a great factor in rehabilitation of the forgotten man, and that 3 acres and thrift, 5 acres and freedom, with a humble cottage, may afford plenty, comfort, content, and freedom—all the virtues of a humble home, the secure foundation of a nation. So now I welcome and approve the efforts of this administration to restore to home ownership and fat acres of plenty, those who are unemployed, and the farm tenants who must be aided to regain a foothold to prosperity and security. Such a program is a rainbow of great promise to those engulfed by the whirlwinds and dust storms of present-day life.

## A NEW FARM LIFE

Low incomes and farm drudgery drove millions of our population to the great cities during and following the World War, when wages were attractive and the cities afforded modern homes and better living. It was a great relief to the farm wife, bent with an aching back with the laborious and ancient tools of her household—the mop, the broom, the tubs, the washboard, and the waterbucket. The husband labored in the fields with the same handicaps. Well do I remember those days of drudgery, pulling water with a rope and bucket from a well on a hot summer day to quench the apparently insatiable thirst of a dozen horses, 30 head of cattle, and 100 head of hogs and pigs, and this was but a chore aside from the fields. In those days the windmill pump, to me, was the most-prized invention of the ages, and deeply envied was the fortunate owner. My enthusiasm for a new deal, a new order, and a more abundant life for the farmer is rooted in my own tedious experiences in my early life.

Today the New Deal program promises a new life on the farm. There is a possibility of power to do the pumping, the grinding, wood sawing, and other chores, along with the lighting of the home, the washing, the ironing and churning, the comforts of ice for the kitchen and dining room, and the cooling fan. About 1 American farm in 10 enjoys electrification. We are far behind many nations in this respect. My recent vote for rural electrification gave me a happy thrill. With the automobile, the telephone, the radio, the daily mail, and good roads, and with the guaranty of plenty of food and luxuries of the farm, the aspect of rural life has taken on a rosier hue. It beckons back thousands who have tramped the streets seeking but not finding employment, for thousands who have been denied the necessities of food, clothing, and shelter.

## HOMES FOR ALL

In addition to reestablishing a large population in farm homes of their own, and the rehabilitation of the discouraged and the unfortunate unemployed, no activities of the Government, the State, the county, and the city, would do more to restore prosperity than the building of adequate and modern homes for our people. Throughout many sections of this country, not only rural, but in both city and country, there are millions of people living in hovels scarcely fit for the beasts of the field; millions living in shacks barren of every comfort; parents and children who know nothing by actual experience of the ordinary comforts of a bathroom and the equipment of a modern home. What goal in our national economy would compare with a modern home for every family in America? "End Poverty in California" has aroused considerable derision from those who have never felt the pinch of poverty, or who have known nothing of woeful want, but a rehabilitation program with an objective of enabling every American family to enjoy the comforts of



a modern home, would be an unparalleled achievement. The Resettlement and Subsistence Homestead programs, the Bankhead-Jones bill, the Utopian and the Epic ideals, and others, point in that happy direction. If such an ideal can be achieved, ours would be a happier, a more prosperous, a more powerful America.

#### WOULD RESTORE EMPLOYMENT

Such a national housing program with an objective of a modern, comfortable home for every American family, a new era of "little landers", in which Federal, State, and local agencies participated, would do much for recovery. The building trade requires a large variety of mechanics and creates a demand for a very wide variety of materials, from coal scuttles to canary birds. Every industry and every commercial enterprise would share in this sort of construction—the railroads, the banker, lumberman, miner, manufacturer, along with the plumber, painter, plasterer, carpenter, and so on down to the ditch-digger. It would absorb the capital of the inventor, the materials of the merchant, and be a blessing to the unemployed, and would bestow untold benefits to our millions who are improperly sheltered.

#### COOPERATIVES AFFORD AID

Farmers and consumers of America have not availed themselves of the advantages of cooperatives as has been done in other countries. The dairymen of Denmark have lifted themselves from a struggling subsistence to a state of prosperity by a cooperative system of producing and marketing. A similar success is being attained in Wisconsin and adjoining States. Consumers' cooperatives have been of great aid to many people of other nations, including Sweden and Japan. The Rochdale plan in England has thrived for 90 years. It was organized with a capital of \$130 and now owns and operates approximately 150 factories and also tea plantations in far-away Ceylon. Farmers in the Northwest are operating hundreds of cooperative gas stations. "Production for use", a cooperative plan to aid the unemployed of California to self-help, has many earnest advocates. The various phases of the cooperative movement are now receiving growing attention and promise much to the future farmer as well as to the consumer and the unemployed. The cooperative is certain to find a fixed and important place in our future economy.

#### THE DESTINY OF NATIONS

Land and water determine the destiny of nations. Blessed is a country like ours with abundant acres of fertile soil, innumerable forests, and immeasurable deposits of coal, iron, copper, oil, and other minerals that are required by an industrial civilization. The time has arrived when we must take note of the tremendous waste that has accompanied our development.

Other nations have made notable advances in the rebuilding of natural resources. The French, the Germans, the Danes, the Hollanders, and the Japanese have made marked strides in the conservation of the soil. One of the principal reasons for the prosperity, the patriotism, and the happiness of the French is due to the ownership of the land and the persistent conservation of the soil by the farmer dating back to the revolution in France. One of the contributing causes of the poverty and the degradation of the Chinese and the collapse of ancient nations has been the denuding of the hills and the mountains of forests, with resulting erosion; the waste of the topsoil and the alternating droughts and floods that have devastated the valleys and have destroyed the lives of millions. France and China represent the most vivid contrast of conservation, home ownership, patriotism, and prosperity on the one hand, and natural waste, tenancy, national indifference, and helpless poverty on the other.

Unemployment, tenancy, and the depletion of our national resources are three plagues—economic afflictions gnawing at the heart of individual independence, self-help, social security, and the liberty and patriotism of America. A program of reconstruction on a national scale, reforestation, the defeat of droughts and dust storms, checks and dams to con-

trol our floods, production of power, rural electrification, the building of decent homes, parks, and playgrounds; the development of small security estates, so that every American may live decently, is a momentous but a thrilling task. Such an undertaking requires national planning, pioneers with brains, vision, and courage. Thoughtless partisans may sneer and dub them "brain trusters" but these are the prophets of a new order leading the way to the rescue of neglected millions from poverty, decadence, and anarchy, and future generations will exalt their achievements to a secure place in the pages of our Nation's history.

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

#### THE DEMOCRATIC PARTY IN ILLINOIS

The SPEAKER. The gentleman from Illinois [Mr. MITCHELL] asks unanimous consent to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, I am very happy to have this opportunity to appear before this body and address you this morning. This is the first time since I have been a Member of this House that I am asking this privilege. I come now because I believe I am justified in asking for this time.

During the past 3 or 4 months we have heard a great deal about what the New Deal program is doing to the country. If we are to believe the reports that have been made to us by the gentlemen to my left—Republicans—the country is already ruined.

We have watched the taking of a straw vote by the Literary Digest, and we have watched the reports that have come through the great metropolitan press of this country, and all of this has been an effort on the part of Republicans to show that the Democratic Party has made a miserable failure of its job of handling the Government of the United States; but last Tuesday was a memorable day in the great State that I represent, the great State of Illinois, the common people, the voters gave the world the truth. We told the world exactly what the American people think of the Democratic Party and our great President.

We did not have the Literary Digest to speak for us last Tuesday. We did not have the great metropolitan press last Tuesday, neither did we have the representatives of the great wealth of this country, but we did have the common people of that great State [applause]; and since those people have spoken, I believe that those who would misrepresent us are inclined to be a little more careful about their statements regarding where the country has been led under the leadership of the Democratic Party.

I have heard those who have defended the Democratic Party stand here and refer to the reports that we have seen in the financial sheets of our great dailies, which have always been in contradiction to the editorials, and to the news items that have been handed the public by those papers that would like to destroy the program of the Democratic Party; but last Tuesday, when the people of the great State of Illinois marched to the polls almost two and a half million strong to register their decision and to tell the world what they think of the New Deal, it was our great President of the United States who headed that ticket and who received more than one and a quarter million votes out of two and a quarter million votes. [Applause.]

They may try all they please to explain this away, but they cannot do it. Let me relate the story of a school happening. It is said that on one occasion there was a teacher who wanted to test the attention of the children to the work that was put on the blackboard and she asked the children to call out certain numbers. One child called out 16 and the teacher put down 61 and went on. Again a child called out 21 and that was written 12 and the teacher went on. There was one little boy in the group who seemed to be paying no attention to what was going on, and finally he was asked to call out a number and he called out 22 and said, "Goll dern you, let me see you take that one and turn it around." [Laughter and applause.]



I say to my friends on the Republican side we would like to see you take the action of the great State of Illinois as it was handed out to the public last Tuesday and "Goll dern you, turn that around."

#### THE REPUBLICAN PARTY FAILS THE NEGRO

I have heard a great deal said here about the sanctity of platforms. It is an easy thing to talk about. I represent a group of people who, during a period of 60 years, the only things they have got from the Republican Party were beautiful promises made by a platform that they knew was made to be broken. For more than 50 years my people have been almost solidly registered in the Republican Party. It is only during the past 4 or 5 years that Negroes have found that the Democratic Party is a safe place to live and vote.

During all this time we were told by the Republicans that we had been freed by the Republican Party; that Lincoln was elected to the Presidency of the United States for the purpose of liberating the slaves; and because of that doctrine that was preached to us year in and year out we developed into an almost solid Republican block of voters in this country.

Now, I have taken the trouble to bring to you the platform that Lincoln was elected on, and to bring to you Lincoln's inaugural address showing that there is absolutely no truth in the statement that Lincoln was elected President of the United States for the purpose of liberating the Negro slaves.

I read from his own address:

Apprehension seems to exist among the people of the Southern States that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

I want to read you a plank from the Republican platform in 1860:

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.

I say again there is absolutely no truth in the statement that he was elected to free the Negro slaves. It might have taken the Negro a long time to find out the truth, but, my friends, the vote in Illinois last Tuesday by the Negroes tells the Republican Party that it no longer has that vote in its vest pocket. [Applause.]

I think you will be interested in hearing an experience of my own. About 1928 I went to a great Democratic leader in this city and said, "I want to know what will be the attitude of the Democratic Party toward the Negro voters in 1932." I could see that the political situation was changing and that the Democratic Party was marching to power; dumb and unacquainted as I was with politics, I could see the stupendous blunders the Republican Party was making, and that the American citizens would not stand for it.

So I went to see this gentleman to talk to him about the consideration of that party to the Negro, and I believe you will bear with me when I quote the exact conversation that took place between us. I said to this gentleman, "I have come over to find out what the attitude of the Democratic Party will be toward the Negroes in 1932." He looked at me and said, "I am glad to talk to you about that subject." We were both seated in his office over here in the National Press Building. He said, "To begin with, I say to you that the Democratic Party does not owe the Negro a damn thing." I stood there, almost ready to sneak out of the office, because I did not know what was going to follow. I am merely quoting the words the gentleman used. Before I could

sneak out of the office, he turned and said, "The Republican Party owes the Negro a hell of a lot, and will not pay him." He continued, "Now, politics is a cold-blooded business. For 50 years the Republican Party has had the Negro vote in its vest pocket, and have not you learned that nobody tries to catch the fish that he has in the basket or in the pail? When we go fishing, we go after the fish in the pond, those that are in the lake or the river, and as long as any party can boast that it has the Negro vote in its pocket, you may expect no consideration from that party, and you can expect less from the party that you have never affiliated yourselves with or attempted to work with." That opened my eyes, and I immediately began to work for the Democratic Party and to bring into the Democratic Party as many of my people as I could. In 1932, when Franklin D. Roosevelt sought the Presidency of the United States, I was chosen by the National Democratic Committee to trail Mr. DePriest, my predecessor in office, to speak for the Democratic Party everywhere that he spoke. During that campaign we were able to bring to the folds of the Democratic Party 60 percent of the Negro vote in those States where Negroes can vote. [Applause on Democratic side.] It is no longer true that the Republican Party has the vote in its vest pocket, and they are learning that that is not true.

My friends, I want to talk to you about the campaign that we are about to go into. I have just done some work for the national Democratic Party. I have been busy compiling statistics to be used in this campaign, and I find that in 23 States, where we expect to wage a campaign for Negro votes, where Negroes are permitted to vote, and where their votes are counted, we have more than 2,400,000 Negroes who can vote in this election. We expect to wage a campaign and to show the Republican Party, that has abused the Negroes more than it has abused this country, that we stand politically emancipated, and we are going to give the Democratic Party and the great President that I love so dearly the largest vote that any Negro group has ever given a President of the United States. [Applause on the Democratic side.]

I am not unconscious of the fact that in this country we carry a tremendous burden. I know that the white people of this country are burdened, and I want to tell you a story in that connection. I was in Boston a great many years ago, and I attended a meeting where they were celebrating the landing of the Pilgrim Fathers. I listened with a great deal of interest to the many speeches delivered on that occasion. I heard the great men of the State of Massachusetts stand up and tell the public about the hardships and the sacrifices and the struggles made by those who landed at Plymouth Rock and founded the Massachusetts Bay Colony, and after all of these speeches had been made a woman got up and said, "I have listened with a great deal of interest to all of the speeches made by the men. They have told you of the sacrifices they made, they have told you of the struggles through which they have gone, and they have told you what they endured, but I come to tell you that the women who came over with these men not only endured all the men endured but they have had to endure the men along with it." [Laughter.] And I say to you, my friends, that the Negro race which I represent has not only had to endure all that you have had to endure but we have had to endure you along with it. I say that with the kindest feelings, I thank God that there is no bitterness in my soul against a single individual in this world. I pity that person whose heart is so wrapped up in ignorance, prejudice, and race hatred that he cannot see real manhood and womanhood, whether it be wrapped up in a black skin or a white skin. [Applause.]

I have dedicated myself to the task that has been given me here in this Congress, and I realize that it is a technical task. I came here to sit on the Democratic side of the House, when no Negro ever before had that privilege or responsibility, and I say to my colleagues, every one of you, that you have treated me like a man. I have absolutely no complaint to make. You have received me with open arms, you have rendered me that cordial support and help that every new Congressman needs. No group of men could have been



more considerate than you have been of me, and I take it not as a compliment to myself but I take it as a compliment to the race that I represent—a race that you know has borne the burdens of this country without complaint, and which, I contend, is entitled to full and equal protection of the law. I here and now raise my voice against all forms of racial discriminations and ask that my people be treated no better and no worse than the other races of this country.

#### ANTILYNCHING LEGISLATION

There is not a man in this House but who knows how strongly I oppose lynching and how deeply interested I am in the early passage of a bill which will make this crime punishable by a Federal law enacted by this Congress.

I know much progress has been made in the way of removing prejudice and securing support for this legislation. I shall continue to work for the passage of this bill and for the passage of other bills which I have introduced that have for their purpose removing injustices from which my people now suffer.

I stand here and ask you, speaking to the Congress of the United States, will you not be considerate of the Negroes of this country, whether they live in Massachusetts or whether they live in my native State, the State of Alabama.

I believe our general trend is upward; that we are making progress. I thank God that I was brought up at the feet of that great statesman and leader, Booker T. Washington. [Applause.] I am a natural born optimist. I do not believe we are going backward. I do not believe we have a single problem in this country that we cannot solve. I am insisting that we apply brains and thought and patience and indulgence and absolute justice to these problems, and I believe every one of them will eventually pass away.

Mr. Speaker, I have a short editorial that I would like to read. This comes from a paper in Alabama. It is one of the bright lights that has encouraged those of us who are fighting for our people and for human rights in this country. This comes from the Anniston Star and was published immediately after my election. With your permission, I am going to read it:

#### NOTED ALABAMA NEGROES

The people of Alabama generally should view with pride the achievements that have been made recently by two Negroes in the realms of music and politics. Both William Dawson, the Anniston musician, and ARTHUR W. MITCHELL, who is to be Congressman from the First Chicago District, the richest in the United States, got their inspiration to high achievement from Tuskegee Institute, which also has given to the world of science that great genius, Dr. George Washington Carver.

William Dawson is director of music at Tuskegee. A few years ago he was shining shoes here in this city, but on Wednesday evening of last week he had the pleasure of hearing the Philadelphia Symphony Orchestra, conducted by Leopold Stokowski, one of the world's greatest, give the premiere performance of his fine musical composition, "Negro Folk Symphony No. 1", which has been widely acclaimed by critics who say that Dawson has genuine creative talent.

Dawson's triumph seems to verify a statement that repeatedly has been made by the Anniston Star—that the first genuinely great American music would be written by a Negro. We do not know whether the composition in question will qualify in this respect or not, but we still are of that opinion; for it has been observed that no people ever produce a great music until they have suffered, and the mental, spiritual, and physical hardships that the American Negro has undergone eventually will be expressed in terms of music, whether Dawson has done so or not. As great an artist as Lawrence Tibbett stated recently that the best singing he has ever heard was that of a Negro chorus in Birmingham. The race is peculiarly gifted in the art of song and if they once are educated we may expect from them a large contribution to American culture.

The reason that we rejoice in the election of MITCHELL to Congress is because he defeated the despicable Oscar DePriest and seems destined to keep his feet on the ground, recognizing that he can help his race only in proportion as he works with and not against the dominant race on this continent. Mitchell says that as long as his predecessor was in Congress he worked almost exclusively in the interest of his own people, although there are both whites and blacks in his district. The Democrat promises that this sort of discrimination shall be ended and that he will serve his constituency regardless of race, color, or previous condition of servitude.

There will, of course, be shortsighted white persons all over the country who will resent the election of a Negro to Congress. But the Anniston Star does not share this view. We believe it would be well if we could have one or two Negroes of the Mitchell type

in every State legislature to speak for their race. Indeed, there is probably not another civilized country in the world where a minority race as considerable as is the Negro race in America is given so little opportunity for self-expression. They have rights that should be recognized and the white race is hurting itself as long as those rights are denied in the various channels of social control.

It was Edgar Gardner Murphy, the great Alabama preacher and social worker, who made the statement several years ago that no graduate of Tuskegee had ever been accused of a crime against a white woman and we believe the statement holds good to this day. Certainly Booker Washington, one of the greatest Americans of all time, did a big work there and his tradition has been carried forward by Dr. Robert R. Moton, who is honored by such men as Dawson and MITCHELL, and whose proposed retirement as president of Tuskegee is to be deplored.

I say to you that you control this country, but in the language of Booker Washington it is incumbent upon your shoulders to be absolutely just and fair to every race and to every people that live under this great American flag. Mr. Washington used to say—and I repeat here—that the

Law of changeless justice binds the oppressor with the oppressed and as close as sin and suffering joined they march to fate abreast.

No hardship can be worked on any group of people in this country without reacting on the group that works that hardship. I know we are approaching a better understanding in this country. The very fact that we have been treated so cordially, that the requests we have made of this Congress and the President of the United States—and I have seen him and talked to him on many occasions—the very fact that those things have always been handled cordially and respectfully and been handled favorably by those who were in power tell me that we are approaching the day when these things will be settled and settled right.

I know you realize, as I do, that no great question can be settled until that question is settled right. It matters not what we think or what we do; there is a God that presides over the destinies of men; and there is no escape from that sentence or from that decision that He reaches, which must, in the final analysis, be the decision that will triumph.

My friends, I say to you that my race which I represent here appreciates the fine work that our great President has done and that this great Democratic Party has done for suffering humanity during the past few years. As I read the platforms back in various years and see the beautiful promises that my Republican friends have made to my people and then led us dumb and hopeless and voted us and took the offices and went on and forgot us until they wanted us to vote again; and then when I see what the Democratic Party has done and how you have opened bureaus, how you have invited cooperation from all over this country to settle this question amicably and with a larger degree of justice than we have had under the Republican Party, I say that you are our friends; and I hail you as our friends today. I know we are approaching better times and a larger degree of racial justice.

I do not lose patience because we are not doing this thing as rapidly as we would like to do it. I am a student of history. I know how long the white women of this country stood at the doors of you white men and knocked and begged you to let them vote. Quite a change has come over this country. As I look over this House I see women sitting side by side with us. As I look into the Senate I see women there who 30 years ago could not even vote. I look at the President's Cabinet and I see a woman sitting in the President's Cabinet. They tell me it took a century for these women to achieve the success they have achieved in that respect. If it takes a century to do what we would like to do, I still believe that that time will come, and I believe I will live to see the day when we will have the same rights in all of these States that are given all of the other citizens because we are loyal. [Applause.]

Mr. Speaker, let me close these remarks by using this quotation from Laurence Hope:

Men should be judged not by their tint of skin,  
The gods they serve, the vintage that they drink,  
Nor by the way they fight, or love, or sin,  
But by the quality of thoughts they think.

[Prolonged applause, with all Democrats standing.]

The SPEAKER. The time of the gentleman from Illinois [Mr. MITCHELL] has expired.



## RURAL ELECTRIFICATION

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, the welfare and happiness of millions of American citizens are involved in the rural electrification bill. Practically everybody enjoys electric light and power service in our cities, but only 800,000 farm homes are electrified. The remaining 6,000,000 farms are without this essential service. These farmers must grope their way in the dark and read with inadequate kerosene lamps. By Presidential order, a temporary Rural Electrification Administration was created early last summer. It was given \$100,000,000 to be loaned to farm cooperatives and similar nonprofit organizations for extension of electric service into rural communities. The legislation which we now have under consideration provides that this organization be continued for a 10-year period and authorizes appropriation of \$50,000,000 for the first year and \$40,000,000 for each succeeding year for loans to build power lines, to set the poles, and string wires to farms.

Under this program it is not necessarily contemplated that as a rule the cooperatives and other distribution units will make their own power. They can buy it from municipal or private utilities wherever suitable prices can be secured, although, if it appears practicable and necessary to construct their own plants, money may be obtained for that purpose. Bulk production and distribution of electric energy in most cases results in cheaper rates, and this legislation aims to give the farmer the advantage of these rates.

The bill does not provide for any grants or gifts, but requires that the money be paid back over a 25-year period, with interest at 3 percent. Loans for wiring of houses, purchase of electrical appliances and equipment and plumbing fixtures are also authorized. The proposed legislation provides that these loans may be made to any distributing cooperative or municipal unit organized under this law, or to any person, firm, or corporation supplying or installing the wiring, appliances, and equipment.

The need for this legislation is demonstrated by the fact that only about 10 percent of our American farms now have this essential electric-power service. In Japan and France 90 percent of the farm homes are electrified, while in Sweden the percentage is about 50 percent. The highly successful publicly owned Ontario power system gives service to a much larger proportion of the rural communities. This is done in Ontario at lower rates, in country similar to ours, although conditions are not so favorable, because the territory is more sparsely settled than many of the farm communities in the United States.

One of the reasons rural electrification has lagged in this country has been due to the fact that our utility organizations are largely privately owned. These private companies have been disinclined to extend service to rural sections, especially those not thickly populated. Interested only in the largest possible profits, they apparently want only the cream of the power business and have served only the best territory.

Farmers are required to pay the cost of the lines within a period of 3 or 4 years. The company then owns the lines, and the farmer continues to pay high rates based on the increased capitalized value of the equipment which he paid for in the first place. Under the R. E. A. program the farmer, when he pays for the line, owns it, and does not have to continue to pay tribute to the Power Trust.

Utility construction shrank from about \$920,000,000 in 1930 to \$100,000,000 in 1934. Since the Government has encouraged farm cooperatives and similar groups to build their own lines, thus giving themselves the advantage of a low rate, the companies have changed their attitudes and in many places they are now offering special inducements to farmers to sign up with them and thus defeat the R. E. A. program.

Mr. Speaker, this brings me to the subject of the drastic change made in this bill since it was approved by the Senate

and brought to the House for action. The private utility companies now want to grab this Government money, originally intended to be loaned to the farmers' own organizations to extend electric service where the corporations have previously refused to give service.

Not content with the great doles which business has received from the Reconstruction Finance Corporation, the Power Trust is now reaching for this money originally intended for agricultural people to enable them to bring to the agricultural workers that burden-lifting servant—electricity. I am utterly opposed to the action of the House committee in letting down the bars to enable private corporations to participate in this program. I hope that the conference committee of the two Houses will recommend restoration of the original bill, under which the money will be available only for farm cooperatives, States or municipalities, power districts, and other nonprofit organizations.

Farmers, their wives, and families are entitled to this service. It should be possible for them to discard the kerosene lamp and hot cook stove. To them electric-power service is even more important than to the city dwellers. It will pump their water, grind their feed, separate the cream, and perform numberless other chores which now make farm life burdensome.

Private companies have failed to provide this service. Due to payment of high salaries, expensive advertising, and propaganda campaigns, and excessive service charges of holding companies, electric power, drawn from our natural resources, has been denied to the farmer. If he is to get it in the future, at rates which he can afford to pay, it must come through his own nonprofit organizations.

What would the opponents of this legislation do? Would they permit the private power monopoly to continue to deny electric service to the American farmer. Monopolistic practices of the privately owned utilities and their determination to maintain high rates, to bring a return upon alleged capital that never was invested, have made this legislation necessary.

The manner in which publicly or cooperatively owned utility systems can give good electric service at rates far below those charged by the ruthless Power Trust is well illustrated by the experience of two of the leading cities in my congressional district of Wisconsin.

In Manitowoc, a city of over 25,000, the electric plant and distribution system was purchased by the city and placed in charge of a nonpartisan public-utilities commission in 1914. The purchase price was \$146,000 and general city obligations, issued to pay for the plant, were all retired 2 years ago. The plant was replaced a few years later at a cost of \$110,000 and yet there has been returned to the city treasury from profits of the utility a total of \$536,794, amounting to \$355,787, more than the original investment from general city funds plus the interest paid for a few years until the utility could assume this burden.

The city of Manitowoc no longer pays tribute to the Power Trust. With the local utility on a sound financial basis, they are able to charge rates far below those in force in the 13 other cities in Wisconsin with populations ranging from twenty to fifty thousand and served by private companies. A recent table prepared by the Wisconsin Public Service Commission shows Manitowoc charges 70 cents for the first 20 kilowatts, while the rates of private companies in the other 13 cities run from a minimum of \$1.24 to a high of \$1.78 for the same amount of power. Consumers of larger amounts of electric power enjoy even more favorable rates when compared with those charged by the private power monopolies.

The city of Kaukauna, population 6,581, purchased its power plant in 1912. All money advanced by the city has long since been repaid. Nearly \$300,000 has been paid out of profits of the utility at various times for city improvements, including the municipal building, municipal garage, bridges, and fire-fighting equipment. Kaukauna has a much lower rate than any city with privately owned electric companies of the five to ten thousand population class, although some other cities with municipally owned plants have lower rates.



In addition to the city of Kaukauna, this plant serves the neighboring village of Little Chute and owns 60 miles of rural lines, serving over 200 farm customers.

Electric power service lightens the burdens on the farm. Those engaged in agricultural pursuits are anxious to secure this service and are cooperating in every way when they see a chance to get electricity at rates that they can afford to pay. Experience both in Wisconsin and throughout the country shows that this service can be made available to rural communities at reasonable rates by municipal power plants or co-operative organizations. The rural electrification program should be approved as originally planned by that great fighter for adequate and reasonably priced electric service, Senator NORRIS, of Nebraska. We must resist every attempt of the Power Trust to sabotage and defeat this plan to bring that great necessity, electric power, to American farms.

#### PERSONAL PRIVILEGE

Mr. ZIONCHECK. Mr. Speaker, at this time I rise to a point of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. Mr. Speaker, I received confidential information by telephone about 2 weeks ago that I was to be framed by the Department of Justice, the great G-man. It raised a question of reasonable doubt in my mind. I did not think they would be quite that bad.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. ZIONCHECK. This morning, Mr. Speaker, I received a letter from Jackson Heights, N. Y., dated April 18, 1936, which tells about the G department and how this party has deciphered their telegrams. On the third page of this letter there appears a deciphered telegram. I will give the code if the Speaker wants me to, but it does not mean anything to anyone.

4/21/36 Dick Tracy: N. Y. Daily News:

Key T: 4-7-13-

6 x 7 backwards downwards.

AT-IRA-ON-AM-EAR-Tek-COPS-GUN-REAL-MAY-TAP-RAT-AT-BAR

add: see letter Z in Smitty: (Zing)

see word ZION in face of ATHNEL.

see checkered shadow right beneath face on coat of Tracy  
ZION -CHECK ered."

Mr. Speaker, I do not care whether they shoot me or not, at least I will take it standing up any time they want to come up and get started.

The SPEAKER. The gentleman will first state his question of personal privilege. The Chair will rule upon that, then the gentleman, if he is in order, will have an hour. Has the gentleman stated his question of privilege?

Mr. ZIONCHECK. I have stated the question of privilege.

The SPEAKER. The gentleman is familiar with the rule.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include this entire letter in the Record together with an article from Harper's Magazine of January 1936, which has been called to my attention after this request.

The SPEAKER. Does the gentleman withdraw his question of personal privilege?

Mr. ZIONCHECK. Yes; I withdraw the question of personal privilege.

The SPEAKER. The gentleman from Washington asks unanimous consent to revise and extend his remarks and to include therein the letter to which he has referred. Is there objection?

Mr. BLANTON. Mr. Speaker, with the understanding that the letter in no way involves any other Member of Congress, I shall not object.

Mr. ZIONCHECK. I do not think it does.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The letter is as follows:

HANS OMENITSCH,  
35-45 EIGHTY-SECOND STREET,  
JACKSON HEIGHTS, N. Y., April 18, 1936.

Representative ZIONCHECK,

Washington, D. C.

HONORABLE SIR: Permit me to compliment you on your courageous stand in the Department of Justice matter.

You are on the right track.

A criminal system of codes is operated daily in the press by the real masters of the country, who not only control the press and the politicians in power but who also control and direct the so-called "red" movement (international) as a sham to hide their real operations.

This group is in a conspiracy against the people and the country. My work in exposing this group dates back to February 1935, and I have most diligently informed the Department of Justice and Director Hoover of the Bureau of Investigation since then with no other result than that the code is frequently changed.

I shall herewith list concrete proofs of the operation of this code, and would appreciate an opportunity to appear before the House and the Senate.

It will be a hard fight to force this issue, but you owe it to the people on your oath of office.

The exposure of this code was at stake in the Lindbergh case; that is why no amount of the people's money was spared to suppress the real solution and to close the case by executing Hauptmann.

Through tireless search for the past 14 months I have found the master key to this code, and, since it was operated in the press, it is on record, and we can now read history backward and once more set the people free by exposing the financial piracy which has enslaved them through the operation of this criminal code and through which criminal operation all the wealth of the world was concentrated into the hands of this group.

All they need now is a dictatorship to protect their plunder, and for this reason they are fostering and directing the "red" movement in order to suppress it in due time in the guise as the saviors of the Nation.

America, awake!

#### EXPOSÉ OF CRIMINAL CODES OPERATED DAILY IN THE PRESS

Data: 4/8/36 N. Y. Journal, SEEIN'STARS:

trans: key T:8x20 forward:

TEN-HAS-LOT-RAT. (TEN=T. E. N. murdered 4/10/36)

4/9/36 N. Y. Daily NEWS, Dick Tracy:

trans: key 80: (see SEEIN STARS 4/8)

key 3x11x13 backwards 8x10

YOUR-LT-DOES-POOR-A-MOOR-IS-13

superimposed in this code: T:G-T, M-N, S-H, Y:B-Y, C-X,

D-W, M:N-M, A-Z, N-M

forming word: Nancy

forming initials: or letters: G. S. T. C. M. M.

C. A. H. ys.

4/13/36 Dr. CONDON'S Telegram to Major FREEMAN:

14x26 forward regular and space: key T:

HAD-ORNE (NERO) on= W= in dad get G=H-

(Had Nero on wire indeed get G. H.)

superimposed: FIGHT—reverse A: W-fight -H

superimposed: trans: backwards downw: 53x5 cue in SEEIN STARS 4/18/36.

GAG-BOT-ROPE-Era-NERO-MAD-AT-DAD-NEW-FOE-Won

-ELLA let-MARGE-

4/16/36 New York SUN: Titterton note: directions to Mrs. G.

ST. CLAIR MULLIN MANSBRIDGE at 12 ST. LUKE'S PLACE

Key T: 8x12 downward:

HEAT-TO-78-GAT-RIP-WUND. (7-G and 8-H)

4/17/36 N. Y. Journal, SSEIN'STARS:

key 1700 Seein'Stars 4/18

key 17x10 downw:

DO-ART-CAR-HOT-NO-SEA-NORA-LONE-OR

(ART-HOT- see NERO) (meaning art suspected)

4/18/36 N. Y. Journal, SEEIN'STARS:

key T: forward: 13x14

DIP-TOP-SEC-1-TO-TEN (possible reference to stock markets: all markets declined since then)

4/18/36 HAROLD TEEN, N. Y. Daily News:

no key: backwards:

RAP-TOOL-AT-SO-GO-BOAT.

4/18/36 DICK TRACY: N. Y. Daily News:

Key T: Backwards-forward 8x8

NERO - MOB - IN - FOG-ROB-LEROY-APT-RAT-IN-IT-ARE-A-GOY.

Nero Mob in Fog rob Leroy Apt are in it. A. Goy. (Hebrew for Christian)

superimposed: YAGO-RTZH-RITZ

4/20/36 DICK TRACY: N. Y. Daily News:

key 3x19 backwards downwards:

NEW-ANT-LET-OF-A-GOY. New ant let off, a GOY (see D. T. 4/18)

4/20/36 N. Y. Journal, SEEIN' STARS:

Key T: 8x26 forward:

LIE-BUM-ART-DO-AS- RENO -ON-IT-LIT-ON-PAR-TO-AS-  
SVER (reverse)  
NERO (answer)

WORIT-COD-NU-A-GONN

Lie, Bum Art, do as Nero, answer or reverse, Worried new code gone again.

4/21/36 DICK TRACY: N. Y. Daily News:

Key T: 4-7-13-

6x7 backwards downwards.

AT-IRA-ON-AM-EAR-Tek-COPS-GUN-REAL-MAY-TAP-RAT-AT-BAR

add: see letter Z in Smitty: (Zing)

see word ZION in face of ATHNEL.

see checkered shadow right beneath face on coat of Tracy ZION -CHECK ered.

SUMMARY: SAME CODE and KEY: Dr. CONDONS TELEGRAM

SAME CODE and KEY: NANCY TITTERTONS note written at direction of Mrs. G. ST. C. M. Mansbridge.

SAME CODE and KEY: DICK TRACY, N. Y. News.

SAME CODE and KEY: SEEIN' STARS, N. Y. Journal.

Word NERO: Condon Telegram 4/13/36

Word NERO: SEEIN' STARS, 4/17/36

Word NERO: DICK TRACY 4/18/36

Word NERO: DICK TRACY 4/20/36

The word "NERO" stands for number "666" the number of the beast in Revelation: 13:18.

NERO represents one man: THE MASTERMIND of the INTERNATIONAL PIRATES.

No doubt he can be found in WALL STREET. And again no doubt that he serves a SUPER NERO. "THE HOUSE OF ROT-SCHILD."

Respectfully

HANS OMENTITSCH

P. S. PLEASE INFORM THE PRESIDENT OF THIS IN PERSON!

[From Harpers, vol. 172, p. 236, January 1936]

SHOOT TO KILL?—A NOTE ON THE G-MEN'S METHODS

By Howard McLellan

I

The most recent applications of the police doctrine of "shoot on sight and shoot to kill" were the annihilation last September of the young New Orleans surgeon who assassinated Senator Huey P. Long and the killing a few weeks later of a New Jersey farm woman by deputy sheriffs seeking to serve upon her husband a court order citing him for contempt. They were horrifying examples of the application of a doctrine which has been translated into deadly action many times during the past few years, at a cost which has been lost sight of in the melodramatic atmosphere which surrounds the taking of human life by violent means.

There is, for instance, the case of the unlamented John Dillinger. In doing away with him the doctrine of shoot on sight and shoot to kill was translated into action by officers of the Government with wide approval from the public. But of the costly aftermath no reckoning has been made.

No doubt about it, Dillinger was a bad man. Public approval was vociferously bestowed upon the Government police agent who gave the signal to kill him outside the little motion-picture theater on Chicago's north side. Branded as America's public enemy no. 1, after Alphonse Capone of the same city had forfeited his right to the title by being convicted of an income-tax evasion, Dillinger had become a symbol of diabolical evil in human form; and when news reels flashed upon the screen photographs of his bullet-pierced body audiences manifested their hate of him and their approval of his slayers by shrieks, clapping of hands, whistling, and stamping of feet—somewhat as audiences in Roman amphitheaters expressed themselves when Christians were thrown to the lions. The hero of these demonstrations, the antithesis of public enemy no. 1, was a little, square-jawed man (and a lawyer, by the way) named Melvin H. Purvis, who was special agent in charge of the Chicago office of the United States Department of Justice. Mr. Purvis had not actually fired at Dillinger. His 12 or 15 men had done the firing. Mr. Purvis had merely clenched his hand and the firing had begun. But that was enough to make him public hero no. 1.

In giving the signal to kill Dillinger, Agent Purvis was acting under the doctrine of "shoot on sight and shoot to kill", which had been enunciated not only by many responsible high police officials but also by his superiors in the Department of Justice. His immediate chief, J. Edgar Hoover (also a lawyer), had publicly stated that the policy of his Division of Criminal Investigation was "Act first, talk afterward", and "to shoot straight and get the right man." Joseph B. Keenan, Assistant Attorney General, had publicly stated, when the Department set out to get Dillinger, "I don't know when or where we will get him (Dillinger), but we will get him, and I hope we get him under such

circumstances that the Government will not have to stand the expenses of a trial." When Homer S. Cummings, the Attorney General, was told of the killing of Dillinger, he said to the press, "The news of tonight is exceedingly gratifying as well as reassuring." Even such an able and long-experienced lawyer as Mr. Cummings did not pause to consider what eventually would be the cost of endorsing the shoot-on-sight doctrine.

It is true that great provocation stirred these representatives of official justice. A special agent of their Department had been slain in a battle with desperadoes in the Wisconsin woods. But that killing had not been attributed to Dillinger. Mr. Hoover had publicly charged the slaying to George "Babyface" Nelson, said to have been an associate of Dillinger's. Then, it will be asked, for what crime did the Department of Justice want Dillinger? Here it is necessary to emphasize a fact brought out by only one observer, Turner Catledge, Washington correspondent for the New York Times, who wrote, "Not a single word of complaint has reached Washington about Department of Justice agents stretching the Constitution when they drilled a couple of holes in John Dillinger last Sunday night. . . . Nevertheless, Dillinger's only known Federal offense was the transportation in interstate commerce of a stolen automobile. For this the offender is seldom shot on the spot. When Federal bullets dropped him to Chicago pavements he (Dillinger) was not in an automobile."

You probably will remark, "Why, Dillinger had robbed banks and killed people!" He had done both; but Federal laws making it a felony to rob national or Federal Reserve banks and making it a capital crime to kill a Federal officer had been passed in May 1934; Dillinger's crimes against national banks had been committed previously, and the law could not be retroactively applied to him. And as to the murder of the Department of Justice agent in Wisconsin, that also had been committed before the passage of the law which put it under Federal jurisdiction; and, for another thing, Mr. Hoover attributed that crime to Nelson. Thus, as a matter of strictly legal reasoning, the only crime Dillinger had committed against Federal statutes was the minor offense of transporting a stolen automobile across State lines, and, as Mr. Catledge wrote, for that the offender is seldom shot on the spot. "But," he added, "the Federals got him and they are out to get more of his ilk, dead or alive, on whatever pretext they can invoke the majesty of the United States Government."

Let no one now be aroused to pity by the suspicion that Dillinger was unjustifiably slain; that the powerful Federal Government resorted to pretext to enforce the doctrine of shoot on sight and shoot to kill. He was an out-and-out bad man. The question to be considered is not whether there was a possible violation of the due-process clause of the Constitution, or a possible violation of the principle of State rights by agents of the Department of Justice, but, rather, what was gained or what was lost by shooting Dillinger on sight.

II

Dillinger's record may be divided into two periods: The period when no order to shoot him on sight had been given out, and the later period when such an order was widely in effect. The first period finds him credited with five hold-ups between September 1924 and September 1933. But no killings were involved in these crimes. Moreover, these crimes were never proved against him. They were merely credited to him by peace officers, and there is a vast difference between crimes credited to a man by the police and crimes proved in a court of law. Frequently police officers credit a man with crime which cannot be proved in court.

In September 1933 Dillinger was captured and held in jail in Lima, Ohio, and escaped when confederates of his killed the sheriff. Though he was the cause of this killing, Dillinger was not credited with it and others were jailed and tried for the murder. Thus in the early part of his criminal career Dillinger was not credited with killings.

During the period from October 1933 to December 13, 1933, he was credited with five hold-ups, two of which were raids upon police stations for the sole purpose of procuring guns and ammunition. Although policemen were in the station houses when the raids were made, supposedly by Dillinger and his gang, no policemen were shot. On December 13, 1933, according to the record of crimes credited to Dillinger, he and his gang robbed a Chicago bank, but shot no one.

Up to this time Dillinger had given scant attention to Chicago banks. This may have been because Chicago was the domain of crime overlords who had deadly ways of eliminating competition by outside bandits. At any rate, immediately after the Chicago bank robbery the police of that city publicly announced their determination to kill Dillinger and his allies on sight.

In view of the history of crime in Chicago, this order to shoot on sight and shoot to kill was rather unusual. So far as we know, Dillinger had not committed murder; and during all the time that Alphonse Capone was in power in Chicago and no less than 127 murders were credited to him, no such order had ever been given the police to kill Capone on sight.

On the night that the order to kill Dillinger and members of his gang on sight was published they descended upon a road-house near Chicago, held it up, and shot and wounded two highway policemen. A day or so later John Hamilton, a Dillinger henchman, was cornered by the Chicago police, but shot his way out of the trap and killed Police Sgt. William T. Shanley. Six days later Edward Shouse, another Dillinger aide, shot and killed an Indiana State policeman. These killings of police officers were undoubtedly the answer of Dillinger and his men to the order to



shoot them on sight; for although on two previous occasions they had raided police stations and officers were present, there had been no casualties among the officers.

Then, on the night of January 15, 1934, Patrolman William P. O'Malley was talking with a friend near the First National Bank in East Chicago when he was shot and instantly killed. O'Malley was utterly unaware that the bank was being robbed, but such was the fact. The robbery and murder were again credited to Dillinger and his men. It should be quite obvious why O'Malley was shot. Although he was not aware of the robbery, he was a minion of the law, and thus to Dillinger and his aides was a man who at any moment might fire at them.

One begins to discern the cost in lives of the doctrine of shoot to kill. Two officers wounded and three killed within a few weeks after the order went out, and none of Dillinger's crew either shot or killed!

Immediately after the killing of O'Malley the shoot-to-kill cry was raised in States adjacent to Illinois. In Cleveland, Ohio, the police rigged up a target in a basement and, as a daily routine, indulged in pistol and rifle practice. The target was a life-size photograph of Dillinger's face. Dillinger probably knew about this, for a photograph of the officers shooting at his face was widely published.

However, in distant Tucson, Ariz., no order to kill Dillinger and his men had gone forth. Yet in that small city the police rounded up Dillinger, his men, and their women, without the firing of a shot! As a matter of fact the desperadoes had left their guns behind in their hotel apartment. No order to kill them on sight had been broadcast in Arizona. Dillinger was rather chagrined about having been picked up by a bunch of "hick" cops.

Taken back to his home State, Indiana, Dillinger was confined in the Crown Point county jail. It is interesting to note the observations about his credited record which Dillinger made in confinement.

"Let them prove I'm guilty", he said. "Don't the law consider a guy innocent until he's proven guilty? Well, I'm innocent, but it looks like I'll get the 'works' though. They got me charged with everything from strangling goldfish to stealing the socks off a blind man. Why, they've even got me tagged with bank jobs I couldn't have committed. Two and three bank jobs in different States at about the same hour on the same day when I couldn't have been in all the places at the same hour."

This, of course, was the sort of display of bravado usually made by criminals when captured, or at least so it was regarded; but the fact remains that almost every important robbery committed in the Middle West had been credited to Dillinger and some of them it would have been impossible for him to commit.

Dillinger was asked to elucidate his statement that it looked as if he would "get the works." He explained that he meant that the order was out to shoot and kill him.

On March 3, 1934, Dillinger made a sensational escape from Crown Point jail, taking with him as hostages a fellow prisoner, a deputy sheriff, and a garage attendant. Dillinger effected his escape by using a wooden pistol which he had fashioned from a washboard and had blackened with stove or shoe polish. It is said, however, that Dillinger's confederates on the outside paid \$20,000 to aid him in getting away. It was this escape which led to the publication of a photograph showing Dillinger with his arm over the shoulder of the county prosecutor and the prosecutor's arm round Dillinger's shoulder, while the lady sheriff in charge of the jail looked on, smiling blandly. It is worthy of mention that when the lady sheriff found that her dangerous prisoner had fled she announced that if she ever laid eyes on him she would shoot him down.

The shoot-to-kill order still stood against Dillinger and all who had been associated with him. A few days after the break from Crown Point the negro convict who had escaped with Dillinger was killed in Michigan, but an under sheriff also was killed—the fourth officer to lose his life since the shoot-to-kill command had been broadcast. About this time the Federal Department of Justice became interested in Dillinger. At sometime during his travels he had crossed State lines in a stolen car, and that was a Federal offense. On the front pages of newspapers there were many references to the great activity of the Department's agents at target practice.

The first appearance of these agents in the Dillinger chase was in St. Paul, when they appeared at an apartment and were greeted by the deadly rattle of machine guns. They returned the fire. Dillinger was wounded and his companion, Eugene Green, was fatally wounded, but both escaped. A few days later, Dillinger appeared in a surgeon's office, leveled his gun at him, and forced the surgeon and a nurse to give him medical treatment.

In the meantime, agents of the Department of Justice were being massed for the hunt. In spite of the fact that the Federal Government was now after him, Dillinger appeared in his home town in Indiana, and visited his father. Next, Dillinger was heard of in a summer resort in northern Wisconsin, where it was reported he had gathered with his gang and a notorious Midwest desperado, Lester M. Gillis, alias George "Babyface" Nelson. Federal agents surrounded his hiding place, and there was a fierce battle in which Agent W. Carter Baum and a C. C. C. worker were killed, and two civilians, a constable, and a Federal agent were wounded. The gang escaped.

There was criticism of the strategy of the Justice agents for not having taken into their confidence the local police who were familiar with the section; for failing to watch the back door of the inn, through which the desperadoes escaped; and for failing to

erect a barrier against escape at a bridge (which it was said the local police might have helped them to do).

Dillinger was not credited with the killing of Agent Baum. Nelson was singled out as the man who had committed the murder. The score of dead now stood: five peace officers killed since the shoot-to-kill order, and one civilian also killed, making six dead in all. And Dillinger and his chief lieutenants were still at large.

Incensed over the slaying of one of its agents and the wounding of another, the Department of Justice threw additional men into the search and offered a substantial reward for Dillinger dead or alive; and Assistant Attorney General Keenan, who no doubt had ample provocation for feeling as he did about it, made the statement that he hoped Dillinger would be taken in such a way that the Government would be spared the cost of a trial.

The search for Dillinger came to an end outside the little neighborhood motion-picture theater in North Chicago on the night of July 22, 1934, when Chief Agent Purvis gave the signal to his 12 or 15 men to drop him.

The hunt for "Babyface" Nelson continued. In December 1934 the Department of Justice got a tip that Nelson was heading for a house near Barrington, Ill. Among the agents who went after him were Samuel Cowley and Herman Hollis. Cowley and Hollis both had been present at the execution of Dillinger. Hollis, it is said, had fired the shot which dropped Dillinger. Both men were young law-school graduates. They displayed no lack of courage when they went up to the house near Barrington where Nelson was believed to be hiding. But this brave act cost both agents their lives, for Nelson met their approach with gunfire. Nelson himself was wounded and his body was later found wrapped in a blanket. Cowley and Hollis had been told to give Nelson no quarter, and he likewise gave them no quarter, knowing that his pursuers were out not to capture him but to kill him.

### III

Dillinger and Nelson were dead—but what of the cost in lives of peace officers? It was war, of course, but what shall we say of a strategy of war based upon the principle of giving three lives for one of the enemy's? No criticism of the acts of Agents Baum, Cowley, and Hollis is intended. They were acting not only under orders to get Nelson dead or alive but also in defense of their own lives. It is the shoot-to-kill doctrine which I am questioning.

And here arises another question. Were the processes of justice aided either by the death of Nelson or the death of Dillinger? It should be borne in mind that both desperadoes were credited with long lists of crimes. It is said they were linked with vast underworld machines, that they were aided and abetted by crooked politicians, and that each of them possessed intimate and exact knowledge of the extensive ramifications of underworld systems responsible for the many robberies and kidnappings and much political corruption in the Middle West. Many of these crimes remain unsolved or only partially solved. As soon as Nelson and Dillinger were killed all the crimes with which they were credited were presumably cleared up and closed. Some 25 crimes credited to Dillinger were disposed of by his death, and many more were disposed of by Nelson's death.

It is a common practice among the police automatically to consider crimes closed when the man credited with them is killed or dies by his own hand. Thus when Legs Diamond was shot by enemies the crimes with which Diamond had been credited were automatically wiped off the slate. Only the other day a young gunman was arrested for a murder, and when he was found hanged in his cell the police announced that he had been credited with no less than a hundred murders, though none had been proved against him.

A few years ago a former Texas ranger ended with a machine gun the careers of two desperate Southwest characters—Clyde Barrow and his "moll", Bonnie Parker. "They were responsible for no less than 19 murders", he announced. Those murders had not been proved against them; any associates they may have had were still at large; yet it was considered that the majority of those credited murders were cleared up and the cases closed. It is true that the Department of Justice did an excellent job of sending away a ring of conspirators who had aided Barrow and the girl in their escapes, but it had to do so without the aid of the two principals who might have been forced to divulge much more information regarding murders and robberies and underworld alliances. Likewise it is true that the Department of Justice did splendid work rounding up some of Dillinger's confederates. But it by no means uncovered all the valuable information it might have presented in court if Dillinger and Nelson, the principals in the crimes, had been brought to trial.

It would have been highly valuable, as an aid to the study of modern crime and as a guide for future police action in dealing with criminals and their rings, to have been able to force from Dillinger or Nelson statements about their careers, their methods, and the means by which they were able to hide so long. With both of them dead the possibility of such an exploration was eliminated.

There is yet another aspect of the practice of disposing of criminals by the shoot-to-kill method. Suppose you were a criminal who had actually committed one or more of the crimes credited to a dead criminal, would you rejoice and feel emboldened to continue in crime when you found that the crimes you had committed were credited to a dead man and that his death meant that the police would drop their investigations of those crimes? To this query there is the suggestion of an answer in the fact that



bank robberies in the very belt where Dillinger and Nelson operated were not halted by their deaths. As many, if not more, crimes of robbery have been committed in that belt since then. Committed perhaps by imitators of the dead bandits? If this be so then the extermination of Dillinger and Nelson did not prove a deterrent.

IV

Now, you may ask, what should I do? It is all very well for me to sit pounding at my typewriter at a safe distance. What should I do—have officers risk their lives to capture, alive, known killers who might very likely be set free by weak-kneed juries won over by slick lawyers? To this I frankly reply that I wouldn't for the world want to be in the shoes of any peace officer, or civilian for that matter, who is after a criminal over whose head hangs an order to shoot to kill. The mortality rate is too high.

Or I might point, with considerable assurance, to the Department of Justice's fine job of disposing of the live robber and kidnaper known as Machine-Gun Kelly. Not a shot was fired to take this notorious criminal whose skill with a machine gun was so great that he frequently shot his initials in barns with his gun. Kelly was taken alive, and what probably amounts to the most thorough clean-up of a big criminal gang was accomplished by the Department of Justice when it sent to prison not only Kelly and his gang but all the conspirators, some 20 in all, even those who merely had touched the ransom money. This happened in 1933 and the Government prosecutor who did the splendid job, in court, was none other than Joseph B. Keenan, the Assistant Attorney General, who later was to broadcast the not unfulfilled hope that Dillinger would be taken in a way that would save the Government the expense of a trial.

Kelly, who had robbed banks right and left, was wanted by Oklahoma authorities as a ringleader in the kidnaping of Charles F. Urschel, from whose relatives was extorted, under threats of death, a ransom of \$250,000. In Memphis, Tenn., the local police were advised that Kelly and his wife were living in a bungalow in that city. Police detectives and Department of Justice agents kept the house under observation all night. On a dining-room table at which Kelly sat was an automatic pistol; on the floor were several sawed-off machine guns, his favorite weapon. At 6 in the morning Detective Sgt. W. J. Raney slipped into the house. The bedroom door opened, and there stood Kelly, a gun in his hand, ready. The detective, who had been trained to look at a quarry's hands and not at his face, made one move. He shoved his shotgun barrel into Kelly's stomach and said, "Drop that gun." And Kelly dropped it.

"I've been waiting all night for you," said Kelly grinning.

"Well," said Raney, "here we are."

So far as I have been able to discover, no order to shoot on sight and shoot to kill hung over Kelly's head, though he was supposed to be a cop killer; and when the trial took place Kelly and his coconspirators were present for the jury to look at and witnesses to identify, and eventually a score of persons were sent away to expiate the crime, although many of them had played only minor roles. It is not at all singular that after this clean-up the kidnaping rate in that part of the country suffered a healthy decline.

But would it have been possible for Agent Purvis and his 12 or 15 men to take Dillinger alive? There may be differences of opinion as to this. At any rate, Mr. Purvis' account of what happened is available for consideration.

"When Dillinger left the show (the motion-picture theater)", Mr. Purvis told reporters, "he started south and again passed my car without noticing me. As soon as he had gotten a step past my car I thrust my right arm out of the car, dropped my hand and closed it, the prearranged signal for closing in. Instantly my men appeared from all sides. \* \* \* As he (Dillinger) ran he drew an automatic pistol from his pocket. Several shots were fired by my men before he could fire. He dropped mortally wounded. I had hoped to take him alive, but I was afraid that he would resist to the last."

Did Dillinger appear suddenly out of the theater, and were the armed agents surprised to see him? Here is another part of Mr. Purvis' statement (the italics are mine): "It was late yesterday afternoon when I received undercover information that Dillinger would attend the movie. \* \* \* I hurriedly made arrangements to surround the theater with picked men from among my investigators. They were armed only with pistols. I wished no general firing that might endanger passers-by."

"I stationed myself in my own automobile, parked two doors south of the theater. My men were stationed in doorways about the theater. It was shortly before 9 o'clock when I first noticed Dillinger."

"As he bought a ticket \* \* \* I knew I was not mistaken. Those two hours that he spent in the theater were the longest I ever spent. By the time he left the show our plans were complete \* \* \* my men were covering the neighborhood so thoroughly that a cat couldn't have gotten through."

And presently Mr. Purvis and the Department of Justice had on their hands a dead man who could tell no tales.

Why, during those 2 hours while they were waiting and Dillinger was in the theater, didn't Mr. Purvis and his men close in upon Dillinger in the theater? There he was, sitting absorbed in the film upon the screen, his mind probably far from thoughts of pursuit and pursuers. Mightn't the agents have gone into the theater and, while Dillinger's back was to them, his eyes on the screen, have taken seats behind him, watched him for a moment, his arms particularly, and then seized his arms, an arm to an

agent, and overpowered him without the firing of a shot—with other agents running up to lend their help in his complete subjugation? Mr. Purvis explained that he wished no "general firing that might endanger passers-by." Yet when shots were fired by his agents on the sidewalk two women passers-by were wounded; the wait of 2 hours did not prevent what he wished to avoid.

Here the point is sure to be raised that shooting in a theater, or the moves necessary to capture Dillinger in the theater, might have led to a panic or to the wounding of persons. On this point there is this to say, and it is based upon my own experience as a reporter observer of the police. Time and again skilled detectives have successfully closed in upon dangerous criminals while they were seated in crowded theaters, trains, lobbies, and other places of public assembly, and without firing a shot. As a matter of fact, this method has been so successful, especially if the wanted man's attention is absorbed in something, that it is commonly accepted as the best and safest way to take a desperate man. It is known in police circles as the "close-in."

Perhaps Mr. Purvis may not have thought of it in the 2 hours he sat there, knowing his man was inside. Anyhow, Mr. Purvis very probably was doing, in his judgment, what he thought proper, and it is not for one who was not there to say that he would have done otherwise than Mr. Purvis did. It should also be borne in mind that Mr. Purvis from the moment he saw Dillinger enter the theater was under no compulsion to take him alive. From authorities higher than himself came the license to shoot Dillinger on sight and shoot to kill.

But it is interesting to speculate as to what would have happened to Dillinger if 12 or 15 United States Secret Service operatives of the Treasury Department, or the same number of post-office inspectors, had been after him, had observed him go into the theater. Would they have taken him alive? The answer to this is that these older detective branches of the Government always prefer to catch their quarry alive and to let the courts deal with him. So it was with Guiteau, who assassinated President Garfield in 1881; with Czolgosz, who killed President McKinley in 1901; and with Giuseppe Zangara, who shot at President Franklin D. Roosevelt and killed Mayor Anton Cermak, of Chicago. These armed men were captured, disarmed, tried, and executed in orderly fashion.

The Secret Service's principal job is to protect the Nation's currency against counterfeiting. It moves quietly and swiftly and is the least publicized of the many Federal detective services. And in dealing with counterfeiters it pits its wits against criminals of the most desperate types, many of them outcast Sicilian criminals to whom murder is not only a fine art but a much practiced art. But there is no evidence that in dealing with them (the same is true of Post Office inspectors) the Secret Service follows a policy of shooting on sight, even when dealing with armed assassins of Presidents.

To those familiar with the work of the Secret Service it is no secret that its operatives are unusually well posted on the haunts, habits, techniques, and specialties of counterfeiters. They know the type of men who take up counterfeiting and all the tricks of the trade, and once assigned to a counterfeiting operation, they proceed with full knowledge of what they may expect to find. And how do they come into possession of this helpful knowledge? The answer is quite simple. They take their quarry alive, usually with his plants and all his confederates. Live counterfeiters, brought face to face with an orderly trial and stern justice, invariably make certain overtures looking toward leniency, and presently the Secret Service is in possession of all the latest data on counterfeiting as well as valuable information concerning other counterfeiters, new techniques, and so forth. Dead counterfeiters could not supply this information. Shoot on sight and shoot to kill is not, therefore, a profitable doctrine for the Secret Service.

Criminals have a great respect for the Secret Service, and not because its operatives carry guns. Guns are available to the underworld as well as to the Secret Service, but it is difficult for the underworld to match a superior set of brains. There also is this pleasant fact about the Secret Service. The mortality rate among its members is low. Secret Service men are rarely shot. This is not because the operatives do not face guns in their work. Rather it is because the quarry is aware that his nemesis is after live specimens and not dead ones. Into the mind of the armed counterfeiter comes the happy thought not to reach for his gun, for he knows that the Secret Service man who confronts him is not out to shoot on sight and shoot to kill.

#### UNITED CONFEDERATE VETERANS

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 11302, to authorize the Secretary of War to lend to the Reunion Committee of the United Confederate Veterans 3,000 blankets, olive drab, no. 4; 1,500 canvas cots, to be used at their annual encampment to be held at Shreveport, La., in June 1936.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the reunion committee of the United Confederate Veterans, for use at the United



Confederate Veterans' Encampment, to be held at Shreveport, La., June 9, 10, 11, and 12, 1936, 2 hospital ward tents, with all pegs, poles, and equipment necessary for their erection; 1 storage tent complete with all equipment; 1 large wall tent complete with all equipment; 6 small wall tents complete with all equipment; 10 pyramidal tents complete with all equipment; 50 14-quart G. I. buckets; 3,000 blankets, olive drab, wool; 1,500 canvas folding cots; 1,500 comforters; 1,500 cotton-felted pillows complete with cotton pillowcases; 3,000 cotton bedsheets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property; the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the Confederate reunion committee: *Provided further*, That the Secretary of War, before delivery of such property, shall take from said reunion committee of the United Confederate Veterans a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BARBARA BACKSTROM

Mr. KENNEDY of Maryland. Mr. Speaker, I offer the following concurrent resolution for immediate consideration.

The Clerk read as follows:

#### Senate Concurrent Resolution No. 36

*Resolved by the Senate (the House of Representatives concurring)*, That the action of the Vice President and of the Speaker of the House of Representatives in signing the enrolled bill (H. R. 4387) entitled "An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Blackstrom", be rescinded, and that in the reenrollment of said bill the Clerk of the House of Representatives is authorized and directed to insert the name of "Blackstrom" in lieu of the name "Blackstrom" where it appears in section 1 of the amendment of the Senate to the text of said bill and in the amended title.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### OMNIBUS PRIVATE CLAIMS BILLS

The SPEAKER. Under the special order, the Clerk will report the first omnibus claims bill.

The Clerk read as follows:

H. R. 8524. For the relief of sundry claimants, and for other purposes.

#### SOUTHERN OVERALL CO.

The Clerk read as follows:

Title VI—(H. R. 4408. A bill for the relief of the Southern Overall Co.)

That the claim of the Southern Overall Co., growing out of proxy-signed contract of November 28, 1917, with the Quartermaster Corps for delivery of jumpers and trousers to the Quartermaster Corps during the World War, is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of the fair and reasonable value at the time of delivery of the jumpers and trousers delivered thereunder.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 7, beginning in line 13, strike out all of title 6.

Mr. COCHRAN. Mr. Speaker, I shall try to be brief.

Mr. Speaker, the question for the House to decide in this case is whether it wants to send to the Court of Claims the claim of a company that made a contract with the Government. The Government kept its part of the contract, paid the company for the overalls it made, and assessed a penalty against the company for the overalls it failed to deliver on time. The company filed a claim under the Dent Act, which was denied by the War Department. The case was denied by the Comptroller. The company had the right at that time to go into the Court of Claims, but did not take the case to the Court of Claims. This bill is to set aside the statute of limitation.

The SPEAKER. The question is on the amendment of the gentleman from Missouri.

The amendment was agreed to.

#### ERNST NUSSBAUM

The Clerk read as follows:

Title VII—(H. R. 2989. A bill for the relief of Ernst Nussbaum.)

That, notwithstanding any other provision of law, the Alien Property Custodian is authorized and directed to transfer all money and other property held by him or by the Treasurer of the United States as the property of Ernst Nussbaum, of San Francisco, Calif., to the said Ernst Nussbaum, who is now a citizen of the United States.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 8, line 1, strike out all of title VII.

Mr. COSTELLO. Mr. Speaker, the bill contained in this title provides for the return to the claimant, Ernst Nussbaum, of property taken by the Alien Property Custodian during the period of the World War under the provisions of the Winslow Act. Following the World War the property of aliens was returned to them up to the sum of \$10,000. Subsequently, 80 percent of the remaining property was returned to them. The remaining 20 percent of the property was retained by the Alien Property Custodian to be used as an offset for awards to American citizens from damage sustained by the loss of their property in Germany.

As you know, these awards to American citizens were never paid by Germany, and the entire 20 percent of alien property thus retained was utilized for this purpose; that is, to reimburse American citizens who had lost property in Germany.

The pending bill would provide that 20 percent of the property belonging to Ernst Nussbaum should be returned to him, although he is in no different situation from many other aliens who likewise had 20 percent of their property retained and used for this purpose. I, therefore, feel this bill should not be passed and should be stricken out of the omnibus bill.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

The Clerk read as follows:

Title VIII—(S. 281. An act for the relief of the Fred G. Clark Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Fred G. Clark Co. the sum of \$7,586.61, being the amount agreed upon in accordance with the decision of the Board of Contract Adjustment, War Department, in full settlement for losses suffered by reason of forced compliance by said company with orders of the War Industries Board preventing said company from disposing of its stock of wool grease during the late war with Germany: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Beginning on page 8, line 9, strike out all of title VIII.

Mr. COCHRAN. Mr. Speaker, the War Industries Board was required during the period of the war to issue orders to concerns all over the United States to withhold from sale certain of their products. This was necessary from the standpoint of prosecuting the war successfully. It affected thousands of corporations all over the United States. Here is picked one corporation in the entire country for relief. We are setting a precedent, if we pass this measure, that is bound to come back to plague us. If we are going to settle with every corporation in the United States that was affected by orders of the War Industries Board, there will not be enough

money in the Treasury of the United States to pay the bills, no matter how much the taxes may be raised.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. HANCOCK of New York. May I call the gentleman's attention to the fact that following the decision to which the gentleman referred this matter was sent to the Court of Claims and tried there? The court held the claimant was not entitled to recover and dismissed its petition.

Mr. COCHRAN. I intended to mention that fact, but the gentleman from New York saved me the trouble. This bill seeks to pay this particular corporation \$7,586.61.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The amendment was agreed to.

The Clerk read as follows:

Title IX—(H. R. 3075. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.)

That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States, notwithstanding the lapse of time, prior consideration, or any statute of limitation, to hear and determine the claim of the Mack Copper Co. against the United States for just compensation for the taking and use, and the damages and waste inflicted by the taking and use of certain real property owned by the Mack Copper Co. and situated in San Diego County, State of California, which real property was taken, used, and occupied by the United States as an Army cantonment, training camp, or for other military purposes during the period from on or about May 15, 1917, to on or about June 1, 1922, not heretofore paid by the United States to the Mack Copper Co.

Sec. 2. That the Court of Claims of the United States, in the hearing and determination of any suit prosecuted under the authority of this act, is authorized, in its discretion, to use and consider as evidence in such suit, together with any other evidence which may be taken therein, the testimony and other evidence filed by Mack Copper Co. and the United States, respectively, in case no. D-134 on the docket of that court entitled "Mack Copper Co. against United States", wherein the court rendered a judgment on the 6th day of June 1927.

Sec. 3. From any decision or judgment rendered in any suit presented under the authority of this act a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases.

Mr. COCHRAN. Mr. Speaker, I raise a point of order against this title.

Mr. Speaker, in the last session of Congress a Senate bill similar to this House bill was passed which would have sent this case to the Court of Claims. That bill suffered a pocket veto. A motion was made in August 1935 to lay this identical bill on the table, and I refer to H. R. 3075.

Mr. Speaker, I make the point of order that the committee had no right or authority to include this bill in an omnibus bill, because it has already been tabled and was not referred to the committee.

The SPEAKER. The Chair is ready to rule.

The Chair has been furnished with a history of the proceedings with reference to this particular bill. The bill (H. R. 3075) was introduced on January 3, 1935, and referred to the Committee on War Claims. It was reported without amendment from the Committee on War Claims, Report No. 515, on March 28, 1935, and referred to the Private Calendar.

When the bill was reached on the Private Calendar, June 4, 1935, it was objected to and recommitted to the War Claims Committee under the rule. It was then included in omnibus bill no. 8524, which was reported from the War Claims Committee on June 17, 1935. This omnibus bill is on the calendar and now under consideration.

On August 23, 1935, the gentleman from California [Mr. BURNHAM] asked and obtained unanimous consent that the Committee on War Claims be discharged from the further consideration of S. 1878, a similar Senate bill, which had been referred to that committee, and this Senate bill was passed and, by unanimous consent, H. R. 3075, the bill in question, was laid on the table. H. R. 3075 is still being carried in omnibus bill H. R. 8524, notwithstanding the fact that it was laid on the table, because H. R. 8524 was printed prior to tabling the bill.

The Journal shows that the President, subsequent to that date and the expiration of the session, pocket vetoed the bill S. 1878 as of September 7, 1935.

The Chair holds that this bill, having been laid on the table by action of the House, is not a proper bill to be included in the pending omnibus bill. The only way to get it up would be by submitting a unanimous-consent request to take it from the table and consider it.

The Chair therefore sustains the point of order.

The Clerk read as follows:

Title X—(H. R. 2213. A bill for the relief of Charles P. Shipley Saddlery & Mercantile Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$11,902.15 in full settlement of all claims of the Charles P. Shipley Saddlery & Mercantile Co. arising out of the cancellation of its lease, entered into with Second Lt. James W. Bell, Quartermaster Corps, National Army contracting officer at Camp Funston, acting for and on behalf of the United States as lessor, dated October 19, 1917, for a site on the zone of camp activities and amusements at Camp Funston, Kans., under which said Charles P. Shipley Saddlery & Mercantile Co. had made expenditures for facilities and equipment and had paid its proportionate share of the cost of the central heating plant and waterworks installed under the authority of the War Department.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 10, beginning with line 16, strike out all of title X.

Mr. COCHRAN. Mr. Speaker, this bill was originally for \$17,000. The case was heard by the War Department. The War Department, I understand, settled with the claimants for \$3,579. This, however, is disputed in a letter I have from the claimants.

This bill does not ask you to send this case to the Court of Claims, but asks you to pay the money directly out of the Treasury in opposition to the views of the Government agency that has considered the case and has held that the corporation received all the money to which it was entitled.

Surely if you are going to give further consideration to the corporation, instead of Congress saying, "Mr. Treasurer, pay the money", the matter should at least go to the Court of Claims.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. MAY. As I understood the gentleman's statement, a settlement was made for a specified sum, and they accepted this as a settlement.

Mr. COCHRAN. That is my understanding, although the claimant denies a settlement.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COSTELLO. I would like to ask the gentleman if it is not a fact that this company, in an effort to make this claim of theirs appear plausible, charged against the Camp Funston store some \$10,000 of expenses that were incurred in the operation of their Kansas City store?

Mr. COCHRAN. Salaries of officials.

Mr. COSTELLO. The salary of an official who went out as a purchasing agent at \$200 a month for a period of 2 years.

Mr. COCHRAN. The War Department went into all that; disallowed the claims.

The report does show—see the letter of Assistant Secretary of War Payne—no actual loss was sustained, but, on the contrary, a profit was shown. That is in the third to last paragraph of the report of the Secretary of War.

Mr. GUYER. Mr. Speaker, I would like to have the attention of every man in this House. This saddlery company and Charles Shipley never got one dime from the Government, and I read from the hearings as shown in the report, Mr. KERR asking these questions:

Mr. KERR. We want to know what would be the reaction up there in the War Department if we were to allow him [Shipley] the cost of the conduct of that business up there. Do you think that would be the right thing to do?



Major KEITH. As I said a moment ago, that is a matter for you gentlemen.

Mr. KERR. You absolutely cut him out of every cent of cost incidental to the conduct of that business there?

Major KEITH. Yes.

Mr. KERR. You were willing to take the profit he made and set it off against the construction of his building, but you were not willing up there at the War Department to give him anything at all for the actual cost of the conduct of that business? That is what the committee has before it.

Major KEITH. I feel sure that any action your committee takes would not be objected to by the War Department.

Now, this Shipley Saddlery Co. is Charles Shipley, one of the best men I ever knew. If the gentleman from Missouri [Mr. SHANNON] were here, he would be talking in my place. We all appreciate Mr. COCHRAN's efforts to save the Government money, but often he does individuals a great injustice by inducing the House to act adversely on many of these bills.

At times the Government of the United States is a generous and prodigal dispenser of largess often when there is no logical reason for it. At other times it is an ungrateful and niggardly miser. It pours out the coin of the realm to those it does not owe but refuses for years to pay its honest debts. It digs into the Treasury and dishes out its currency to those who are perpetual shirks and refuses to compensate those who in time of national stress and dire need came to the rescue of the Government with a voluntary generosity. One day a prodigal spendthrift, the next a flinty-hearted skinflint with its helpless creditors.

This Government never played the latter role with more glaring injustice, more brazen effrontery than in this case of the Charles Shipley Saddlery Co. That company is simply Charles Shipley.

The Government, through its agents in the Army, induced this good and decent citizen as a patriotic duty to open a store at Camp Funston, Kans., to sell leather goods and other necessities to the soldiers at this camp. They made an estimate of a building for this purpose, which Shipley was to build, which they estimated would cost \$5,000. When Shipley got through it had cost him over \$14,000, part of which was his pro-rata share of the cost of a waterworks and heating system. He had hardly got started properly when the Government canceled his contract, confiscated his building, used the waterworks and heating system he helped to build, and to this day has not paid him a thin dime.

That is a brief story of this shameful treatment of one of the best men I ever knew. Nothing would induce this man to accept a penny that did not belong to him. At one time when lawyers who were settling all these matters at Camp Funston wanted most of it for fees, he almost dropped it with the idea that he would let the Government have it rather than pay a large proportion of it to lawyers who were handling an immense amount of these claims in a group. So the Government and the lawyers cut his claim out, while they paid to one claimant, who had a relative in Congress, \$43,000 for an old movie house as junk after the war was over. The Government junked Shipley's building, sold the remains as junk, and dishonestly retains that money to this day.

Shipley is not a constituent of mine, though we live in the same city, which is located in two States. I have only the interest of a bystander who does not like to see his Government oppress one of its best citizens. Shipley is an outstanding citizen of high ideals and lofty civic attainments, and is particularly interested in those organizations which look after the welfare of the unfortunate of his city. He has long been active in and now heads the Good Will Industries in Kansas City, which employs hundreds of otherwise unemployed people in renovating and repairing clothing which is contributed, and then this clothing is sold to those who cannot afford to buy new clothing. Under this system a whole outfit, including overcoat, hat, shoes, and suit, are sold for \$6. This yields Mr. Shipley nothing except the consciousness that he has helped the needy. In fact, it costs him much of his own money and time.

The Shipley Saddlery Co. has been one of the finest leather-goods houses of this country. Shipley is an artist in his line and he employs men who are experts in that line. They are

a part of his family, as it were. In the old days before the horse was extinct, his saddles and other leather goods were worn from the Rio Grande to the Yukon. His customers ordered these superlative products without asking the price. They knew Shipley would give them an honest man's price. The men he had employed for many years were loyal to him and worked at low wages in these hard years, and Shipley kept them at work the best he could.

Shipley borrowed the money to build at Camp Funston, and is still paying interest on the principal. This interest, of course, is not included in this bill, but I refer to it to emphasize the injustice of still withholding from him the original cost of the store.

The hard years came. The demand for his goods failed. He comes now, asking his Government, which has done him this injustice, to pay a part of what it owes him in order that he may save his home and his building down at the stockyards, where for so many years he has labored with his men. Mr. SHANNON, if his health were better, would say everything I have for this man. His case is now in your hands. You are the great Government which has for so long withheld from this good citizen the property that does not belong to it. You can right this wrong.

I think it would be a shame for this Congress to burden this man further with the injustice he has suffered ever since the war, and I hope every man here who believes in justice and in square dealing will pay this man not what he is out but the amount at which the committee put it.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. GUYER. Yes.

Mr. COCHRAN. Does not the gentleman think it would be fair to the Government, in view of the fact this matter has never been to the Court of Claims, that before you ask the taxpayers of this country to pay this bill the case should go to the Court of Claims rather than have the Treasury Department pay the claim direct?

Mr. GUYER. I do not think it should go to the Court of Claims because the Committee on War Claims unanimously reported it. They tried the case, gave long hearings, and why keep this man waiting and put to all the trouble of coming up here to try his case before the Court of Claims? As I say, the Committee on War Claims reported it unanimously.

Mr. COCHRAN. Will the gentleman yield?

Mr. GUYER. Yes.

Mr. COCHRAN. Is the gentleman going to condone everything that the War Claims Committee does?

Mr. GUYER. I do not think this needs condonation.

Mr. EKWALL. Will the gentleman yield?

Mr. GUYER. I yield.

Mr. EKWALL. Is it not a fact that if the claimant was defeated in the Court of Claims he has no appeal?

Mr. GUYER. That is true, and there is no need of going to the Court of Claims. We are the court, we can try the case.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COSTELLO) there were 18 ayes and 45 noes.

Mr. COSTELLO. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. Evidently there is no quorum present. The Doorkeeper will close the doors, the Clerk will call the roll.

The question was taken; and there were—yeas 63, nays 238, answered "present" 2, not voting 125, as follows:

[Roll No. 73]

YEAS—63

Ashbrook	Cartwright	Doxey	Hill, Ala.
Ayers	Castellow	Driscoll	Huddleston
Blanton	Cochran	Duncan	Johnson, W. Va.
Brooks	Colden	Faddis	Lambeth
Brown, Ga.	Colmer	Ford, Calif.	Lewis, Colo.
Brown, Mich.	Cooley	Ford, Miss.	Luckey
Buck	Costello	Fulmer	Ludlow
Burch	Crowe	Gray, Ind.	McFarlane
Cannon, Mo.	Daly	Green	McGehee

Mahon  
Murdock  
Nelson  
O'Neal  
Pearson  
Peterson, Ga.  
Polk

Quinn  
Rellly  
Robertson  
Ryan  
Sanders, Tex.  
Schulte  
Scott

Secrest  
South  
Spence  
Stefan  
Sutphin  
Taylor, S. C.  
Thomason

Umstead  
Warren  
Wheelchel  
Whittington  
Young  
Zimmerman

## NAYS—238

Andresen  
Andrews, N. Y.  
Arends  
Bacharach  
Bacon  
Barry  
Beam  
Belter  
Biermann  
Binderup  
Blackney  
Bland  
Bloom  
Boland  
Boylan  
Buchanan  
Buckler, Minn.  
Burdick  
Burnham  
Cannon, Wis.  
Carlson  
Carpenter  
Carter  
Casey  
Celler  
Chandler  
Church  
Citron  
Coffee  
Cole, N. Y.  
Cooper, Tenn.  
Cox  
Crawford  
Creal  
Cross, Tex.  
Crosser, Ohio  
Crowther  
Culkin  
Cullen  
Cummings  
Curley  
Darden  
Deen  
Delaney  
Dempsey  
Dickstein  
Dies  
Dingell  
Disney  
Dobbins  
Dockweiler  
Dondero  
Dorsey  
Drewry  
Driver  
Duffy, N. Y.  
Dunn, Pa.  
Eckert  
Elcher  
Ekwall

Engel  
Evans  
Flesinger  
Fish  
Fletcher  
Focht  
Frey  
Fuller  
Gambrell  
Gasque  
Gearhart  
Gehrmann  
Gilchrist  
Gildea  
Gingery  
Goldsborough  
Goodwin  
Granfield  
Gray, Pa.  
Greever  
Griswold  
Guyer  
Haines  
Halleck  
Hamlin  
Hancock, N. Y.  
Harlan  
Hart  
Hennings  
Hess  
Higgins, Conn.  
Higgins, Mass.  
Hildebrandt  
Hill, Samuel B.  
Hollister  
Holmes  
Hook  
Hope  
Houston  
Hull  
Jacobsen  
Jenckes, Ind.  
Johnson, Okla.  
Johnson, Tex.  
Kahn  
Keller  
Kelly  
Kennedy, Md.  
Kerr  
Kinzer  
Kloeb  
Kniffin  
Knutson  
Kociakowski  
Kopplemann  
Kramer  
Lambertson  
Lanham  
Lea, Calif.  
Lehibach

Lemke  
Lesinski  
Lucas  
Lundeen  
McClellan  
McCormack  
McGrath  
McGroarty  
McKeough  
McLaughlin  
McLeod  
McMillan  
McReynolds  
Maas  
Maloney  
Mapes  
Marcantonio  
Martin, Colo.  
Massingale  
Maverick  
May  
Mead  
Meeks  
Merritt, N. Y.  
Michener  
Millard  
Miller  
Mitchell, Ill.  
Monaghan  
Mott  
Nichols  
Norton  
O'Brien  
O'Connell  
O'Connor  
O'Day  
O'Leary  
Owen  
Palmisano  
Parks  
Patman  
Patterson  
Patton  
Peterson, Fla.  
Pettengill  
Peyser  
Pfeifer  
Pierce  
Pittenger  
Plumley  
Powers  
Rabaut  
Ramsey  
Ramspeck  
Randolph  
Ransley  
Reece  
Reed, Ill.  
Reed, N. Y.  
Rich

Richards  
Richardson  
Risk  
Robinson, Utah  
Rogers, Mass.  
Rogers, N. H.  
Rogers, Okla.  
Russell  
Sadowski  
Sauthoff  
Schneider, Wis.  
Scrugham  
Sears  
Seger  
Shanley  
Short  
Sirovich  
Smith, Conn.  
Smith, Va.  
Smith, Wash.  
Smith, W. Va.  
Snell  
Snyder, Pa.  
Somers, N. Y.  
Starnes  
Stubbs  
Summers, Tex.  
Taber  
Tarver  
Taylor, Tenn.  
Terry  
Thompson  
Thurston  
Tinkham  
Tobey  
Tolan  
Treadway  
Turner  
Turpin  
Utterback  
Vinson, Ga.  
Vinson, Ky.  
Wallgren  
Wearin  
Welch  
Werner  
White  
Wilcox  
Williams  
Wilson, La.  
Wilson, Pa.  
Withrow  
Wolcott  
Wolfenden  
Wolverton  
Wood  
Woodruff  
Zioncheck

So the amendment was rejected.  
The following pairs were announced:  
General pairs:

Mr. Rankin with Mr. Wadsworth.  
Mr. Woodrum with Mr. Darrow.  
Mr. Parsons with Mr. Gifford.  
Mr. Rayburn with Mr. Jenkins of Ohio.  
Mr. Cary with Mr. Ditter.  
Mr. Boehne with Mr. Bolton.  
Mr. Greenwood with Mr. Robson of Kentucky.  
Mr. Sabbath with Mr. Hoffman.  
Mr. Jones with Mr. Andrew of Massachusetts.  
Mr. Corning with Mr. Brewster.  
Mr. Kleberg with Mr. Allen.  
Mr. Cravens with Mr. McLean.  
Mr. Doughton with Mr. Wigglesworth.  
Mr. McSwain with Mr. Lord.  
Mr. Sullivan with Mr. Merritt of Connecticut.  
Mr. Taylor of Colorado with Mr. Thomas.  
Mr. Mansfield with Mr. Cooper of Ohio.  
Mr. Flannagan with Mr. Eaton.  
Mr. Montague with Mr. Martin of Massachusetts.  
Mr. Thom with Mr. Stewart.  
Mr. McAndrews with Mr. Perkins.  
Mr. Gregory with Mr. Marshall.  
Mr. Bulwinkle with Mr. Fenerty.  
Mr. Duffey of Ohio with Mr. Main.  
Mr. Fernandez with Mr. Hartley.  
Mr. DeRouen with Mr. Christianson.  
Mr. Steagall with Mr. Gwynne.  
Mr. Weaver with Mr. Buckbee.  
Mr. Dunn of Mississippi with Mr. Cavicchia.  
Mr. Schuetz with Mr. Dirksen.  
Mr. Romjue with Mr. Collins.  
Mr. Schaefer with Mr. Doutrich.  
Mr. Connery with Mr. Englebright.  
Mr. Gavagan with Mr. Amle.  
Mr. Chapman with Mr. Kvale.  
Mr. Cole of Maryland with Mr. Boileau.  
Mr. Sweeney with Mr. West.  
Mr. Eagle with Mr. Montet.  
Mr. Claiborne with Mr. Sanders of Louisiana.  
Mr. Crosby with Mr. Moran.  
Mr. Walter with Mr. Fitzpatrick.  
Mr. Farley with Mr. Moritz.  
Mr. Tonry with Mr. Bell.  
Mr. Gillette with Mr. Sandlin.  
Mr. Harter with Mr. Ferguson.  
Mr. Mitchell of Tennessee with Mr. Edmiston.  
Mr. Sisson with Mr. Shannon.  
Mr. Kennedy of New York with Mr. Clark of North Carolina.  
Mr. Clark of Idaho with Mr. Berlin.  
Mr. Hobbs with Mr. Imhoff.  
Mr. Kenney with Mr. Lamneck.  
Mr. Stack with Mr. Kee.  
Mr. Larrabee with Mr. Buckley of New York.  
Mr. Boykin with Mr. O'Malley.  
Mr. Healey with Mr. Dear.  
Mr. Oliver with Mr. Adair.  
Mr. Brennan with Mrs. Greenway.  
Mr. Carmichael with Mr. Mason.  
Mr. Hancock of North Carolina with Mr. Caldwell.  
Mr. Barden with Mr. Dietrich.  
Mr. Ellenbogen with Mr. Cassaway.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID A. WRIGHT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 713) granting jurisdiction to the Court of Claims to hear the case of David A. Wright, which is identical with the bill H. R. 2713 in the bill just passed under title IV.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Court of Claims be, and hereby is, given jurisdiction to reinstate, reopen, and rehear the case of David A. Wright, of Winona, Mo., against the United States, no. 261-A in said court, and upon the pleadings, evidence, and other proceedings in that cause, and such other proceedings, if any, as the court may deem necessary or proper, to readjudicate the same and determine the amount of costs or expenditures, if any, which the said David A. Wright may have expended or incurred in 1918 in the rehabilitation of a manufacturing plant (commonly called the Allis-Chalmers plant), at 1150 Washtenaw Avenue, Chicago, Ill., and in the beginning of production of heavy-duty lathes, to meet the needs, or the then-anticipated needs, of the Ordnance Department for any gun-relining or gun-manufacturing project initiated and under way in the Ordnance Department of the United States Army, in reliance in good faith upon any promise or assurance given him by Maj. Charles D. Westcott, Ordnance Department, United States Army, or Howard Abbott, an engineer in

## ANSWERED "PRESENT"—2

Bankhead Lewis, Md.

## NOT VOTING—125

Adair  
Allen  
Amle  
Andrew, Mass.  
Barden  
Bell  
Berlin  
Boehne  
Boileau  
Bolton  
Boykin  
Brennan  
Brewster  
Buckbee  
Buckley, N. Y.  
Bulwinkle  
Caldwell  
Carmichael  
Cary  
Cavicchia  
Chapman  
Christianson  
Claiborne  
Clark, Idaho  
Clark, N. C.  
Cole, Md.  
Collins  
Connery  
Cooper, Ohio  
Corning  
Cravens  
Crosby

Darrow  
Dear  
DeRouen  
Dietrich  
Dirksen  
Ditter  
Doughton  
Doutrich  
Duffey, Ohio  
Dunn, Miss.  
Eagle  
Eaton  
Edmiston  
Ellenbogen  
Englebright  
Farley  
Fenerty  
Ferguson  
Fernandez  
Fitzpatrick  
Flannagan  
Gassaway  
Gavagan  
Gifford  
Gillette  
Greenway  
Greenwood  
Gregory  
Gwynne  
Hancock, N. C.  
Harter  
Hartley

Healey  
Hill, Knute  
Hobbs  
Hoepfel  
Hoffman  
Imhoff  
Jenkins, Ohio  
Jones  
Kee  
Kennedy, N. Y.  
Kenney  
Kleberg  
Kvale  
Lamneck  
Lee, Okla.  
Lord  
McAndrews  
McLean  
McSwain  
Main  
Mansfield  
Marshall  
Martin, Mass.  
Mason  
Merritt, Conn.  
Mitchell, Tenn.  
Montague  
Montet  
Moran  
Moritz  
Oliver

O'Malley  
Parsons  
Perkins  
Rankin  
Rayburn  
Robson, Ky.  
Romjue  
Sabbath  
Sanders, La.  
Sandlin  
Schaefer  
Schuetz  
Shannon  
Sisson  
Stack  
Steagall  
Stewart  
Sullivan  
Sweeney  
Taylor, Colo.  
Thom  
Thomas  
Tonry  
Wadsworth  
Walter  
Weaver  
West  
Wigglesworth  
Woodrum



the plant section of the production division of the Ordnance Department, that the said David A. Wright would receive a contract, or contracts, for the manufacture of heavy-duty lathes that would absorb such costs or expenditures, notwithstanding such Ordnance Department projects may have been contingent upon the continuance of the war and may have been abandoned because of the signing of the armistice of November 11, 1918, and notwithstanding section 3744 of the Revised Statutes: *Provided*, That the Court of Claims shall be of opinion that the said David A. Wright made or incurred such expenditures in reliance in good faith upon the belief that Major Westcott or Mr. Abbott possessed the authority to make such promise or assurance on behalf of the Ordnance Department and that he was justified in doing so under the circumstances.

The SPEAKER. Is there objection?

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House by which H. R. 2713 was passed.

The SPEAKER. The gentleman from Missouri asks unanimous consent to vacate the proceedings of the House whereby H. R. 2713 was passed and to lay that bill on the table. Is there objection?

There was no objection.

#### COPIES OF REVENUE ACT, 1936

Mr. LAMBETH. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

#### House Resolution 491

*Resolved*, That 4,000 copies of the bill H. R. 12395, the Revenue Act of 1936, be printed for the use of the House document room.

Mr. LAMBETH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to; and a motion to reconsider the vote by which the resolution was passed was laid on the table.

#### FALSE PROPAGANDA OF POLITICAL HYPOCRITES AGAIN ANSWERED

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein some correspondence I have had with my constituents.

The SPEAKER. Is there objection?

There was no objection.

Mr. McFARLANE. Mr. Speaker, in my remarks of January 21, 1935, I referred to malicious misstatements of fact that had been made against me in both of my previous campaigns for election to Congress in 1932 and 1934. Because of the malicious falsehoods circulated in both of these campaigns concerning the alleged organization of a "Hoover Club" in my office in 1928 and an alleged failure to support Al Smith in that campaign caused me to print and circulate more than 40,000 copies of this speech of January 21, 1935, in my district, more than 1,000 of which were distributed in Graham.

Mr. J. R. Ramsey was then postmaster at Graham under his brother-in-law, Wesley Johnson, at Graham, so the statement he now makes that this speech "has just been called to my attention" is in keeping with the rest of his statement issued April 18, 1936, all of which statement of his is wholly and totally false, and trumped up by him and the utilities for a third time to try to mislead the people and to raise false issues, which have previously been twice settled by the people of the Thirteenth District by an overwhelming majority in each election.

These false rumors regarding the organization of a Hoover Club in my office and my failure to distribute Al Smith literature were first raised during the run-off campaign of 1932. In answering same at that time I printed and distributed 50,000 circulars containing a news item in the Graham Leader of October 4, 1928, and affidavits of Mr. Z. A. Hudson and Mr. J. W. Seddon, both recognized leaders of the Hoover campaign in Young County in 1928, which statements fully showed the falsity of such charges.

Of course, the Al Smith we knew in 1928 championed the rights of the common people and was against the Power Trust special-privilege crowd; however, now we find him an active member of the so-called plutocratic American Liberty League and he has completely changed his position on many important questions. He is now one of their spokesmen and is advocating practically everything he opposed in 1928.

Upon receipt of Mr. Johnson's statement, April 20, I immediately wrote him, as follows:

APRIL 20, 1936.

Hon. C. W. JOHNSON, JR.,

Graham, Tex.

DEAR MR. JOHNSON: I have just received a copy of your letter to the press of April 18 in regard to a statement contained in my remarks of the CONGRESSIONAL RECORD of January 21, 1935.

In order that you may know the truth and your memory be refreshed, let me again refer you to my remarks of January 21, 1935, concerning you, every word of which you know to be the truth.

I have a statement prepared as per the enclosed copy that I expect to release immediately should you fail to correct your false statement of April 18 to the press of the Thirteenth District. You know there isn't a word of truth in the statement you have made. The truth just isn't in you, it seems.

I await prompt reply from your before releasing the enclosed statement.

Very truly,

W. D. McFARLANE.

Having received no reply, and his statement having been published only in the Wichita Daily Times, Wichita Falls Record News, and the Electra News, all recognized as favorable toward the Power Trust and all having bitterly opposed the construction of a home-owned municipal light plant, and since these Power Trust papers refuse to publish my reply, which they knew or could easily have known were the facts before they publish this malicious libel, I submit the following reply to his letter handed the press:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., April 20, 1936.

TO THE CITIZENS OF THE THIRTEENTH CONGRESSIONAL DISTRICT:

REPLY TO C. WESLEY JOHNSON, JR.'S, LETTER OF APRIL 18, 1936

I have just received a copy of Mr. Johnson's letter, dated April 18, which states that he has given it to the press of the Thirteenth District, in regard to a statement contained in my remarks of January 21, 1935.

In order that the people may know the truth, let me quote from that statement of January 21, 1935:

"The post office at Graham is located in a building belonging to Republican Johnson, and naturally he wants to keep the post office in his building as long as possible. This same Republican, Wesley Johnson, succeeded in having himself appointed United States district attorney under President Hoover and retained this position almost a year before he was asked to resign on account of inefficiency, which resignation was filed promptly when requested.

"This same Republican, Wesley Johnson, made false statements against me in my last race and in my preceding campaign, which statements he knew and which the political hypocrites who used them knew were wholly and totally false. Such campaign tactics have been overwhelmingly repudiated by the voters of my congressional district in the last two campaigns. I was reelected last year carrying 13 out of 15 counties in the district, and my majority in my home county exceeded the combined majority of my opponent in the two counties I lost, and I carried my opponent's home town, Burkburnett."

Now, almost 4 years after this question of a so-called Hoover Club being organized in my office was raised, we find Mr. Johnson pretending innocent that he had ever spread such campaign falsehoods and intimates that he refused to give such information while people all over the thirteenth district know that certain gentlemen from Vernon and elsewhere spread this Hoover Club propaganda throughout the district not only in the campaign in 1932 but throughout the campaign of 1934, and gave him as their authority for such statement. This information was first used in circular form in the closing days of the run-off campaign of 1932 through a circular issued by attorneys for the private utilities.

In reply to such malicious falsehoods then issued, I at that time, in August 1932, issued a circular citing the following news item published in the Graham Leader of October 4, 1928:

#### "DEMOCRATIC RALLY HELD AT GRAHAM

"A Democratic rally was held Saturday evening at 8 o'clock, September 29, at the bandstand in the courthouse yard. The meeting was called to order by Senator W. D. McFARLANE, chairman of the Young County Democratic Club. A good crowd was present and considerable interest shown by the applause given the different speakers. Senator McFARLANE spoke first and urged all Democrats to support the ticket from top to bottom.

"Mr. Graham Stewart spoke last and urged everyone to support the national Democratic ticket.



"At the close of the meeting Mr. G. B. Johnson was elected secretary-treasurer, and the chairman announced the appointment of the following committees:

"Publicity committee: J. E. Kelly, E. L. Gibson, Price Beach, Ralph Shuffler, and Gasper Neal.

"Committee to arrange for speakers: G. B. Johnson, R. D. Owens, W. D. Spivey, Charlie Richardson, and B. W. King."

In regard to the distribution of literature in the Al Smith campaign and the other statements contained therein, all of which are wholly and totally false, when all these questions were raised in the run-off campaign of 1932, in answer to such charges that a "Hoover club" was organized in my office, I secured the sworn affidavit of the two recognized leaders of the Hoover forces in Young County, Mr. Z. A. Hudson, superintendent of the Presbyterian Sunday School in Graham for more than 25 years, and Mr. J. W. Seddon, a former county agent and long-time resident of Young County, which affidavit is as follows:

**"THE HOOVER CLUB IN GRAHAM, TEX., IN 1928**

"We want to make this statement in regard to the organization of the Hoover Club in Graham, Tex., in 1928.

"To go back, Senator W. D. McFarlane and his father were strong drys. In the precinct and county conventions they aided in securing a direction or instruction to our delegate to the State convention at Beaumont to vote for a platform plank—a dry candidate and a dry platform. Senator W. D. McFarlane, Mr. M. K. Graham, and Mr. Ford were the delegates to the State convention so instructed.

"After Al Smith was nominated we organized a Hoover-for-President Club. It was not organized in Senator McFarlane's office, and Senator McFarlane nor his father were not members of it. Senator W. D. McFarlane made it plain to us that, while he was a friend to the dry cause, he was going to support the Democratic ticket, and made a speech in its behalf in the courthouse yard. He never varied from that position and, insofar as we know and believe, he voted the straight Democratic ticket in November 1928. He so stated at all times to us, who worked and voted for Hoover.

"Z. A. HUDSON.

"J. W. SEDDON.

"Z. A. Hudson and J. W. Seddon, being sworn, say the facts stated in the above statement are true.

"J. W. SEDDON.

"Z. A. HUDSON.

"Subscribed and sworn to before me this 5th day of August, A. D. 1932.

[SEAL]

"GRACE LESLIE,

"Notary Public, Young County, Tex."

Mr. Johnson knew when he handed his letter of April 18 to the newspapers that his statement was wholly and totally false, as shown by the above news item and affidavit of two of the best citizens of Young County who were the recognized leaders of the Hoover forces in 1928.

You will note these good men in their sworn statement say that they organized a "Hoover for President Club", and that "It was not organized in Senator McFarlane's office, and Senator McFarlane nor his father were not members of it. Senator W. D. McFarlane made it plain to us that while he was a friend to the dry cause he was going to support the Democratic ticket, and made a speech in its behalf in the courthouse yard. He never varied from that position, and insofar as we know and believe he voted the straight Democratic ticket in November 1928. He so stated at all times to us who worked and voted for Hoover."

And further, any citizens of Young County who called for Al Smith literature will bear witness to the fact that they secured same, and statements are in my possession at Graham, Tex., to this effect; and further, it is well known that I was the only lawyer in Young County who spoke for Al Smith during that campaign.

I know it must be hard for a former Republican post-office distributor to not only have his brother-in-law, J. R. Ramsey, let out of office but also all his other appointees, as well as himself let out, and on top of that the new post-office building at Graham, constructed under this administration, is ready for occupancy and the post office will soon be moved from his building to this beautiful, new post-office building on the public square. Losing this rent, his patronage, and his job no doubt causes Republican Johnson to feel very bitter toward the Democratic administration and those who have helped bring the country back from chaos to prosperity.

Very truly,

W. D. McFARLANE.

**ACT FOR THE RELIEF OF CERTAIN OFFICERS**

The SPEAKER. The Clerk will report the next omnibus bill.

The Clerk read as follows:

(S. 267. An act for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of catastrophes of nature)

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Matthew E. Hanna, American minister to Nicaragua, the sum of \$25,368.58, of which the sum of \$25,215.50 represents the value of reasonable

and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931, and the sum of \$153.08 represents the amount of money and vouchers destroyed when the contents of the safe in the legation were burned.

To Willard L. Beaulac, secretary of the American Legation at Managua, Nicaragua, the sum of \$1,006.82, such sum representing the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931.

To Marion P. Hoover, clerk in legation at Managua, Nicaragua, the sum of \$80, such sum representing the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent of any claim thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with any such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated for any claim in this act in excess of 10 percent of such claim on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000. The aforesaid amounts shall be considered in full settlement of the aforesaid claims. (Passed the Senate Jan. 21, 1935.)

With the following committee amendments:

Page 1, line 11, strike out "\$25,368.58" and insert "\$16,122.08"; page 2, line 1, strike out "\$25,215.50" and insert "\$15,969"; page 2, line 8, strike out "\$1,006.82" and insert "\$821.92."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COCHRAN: Page 1, line 3, strike out all of Senate bill 267.

Mr. COCHRAN. Mr. Speaker, I wish the Members of the House would pay particular attention to this bill. We just passed a bill and included in that bill was a measure which sent a case to the Court of Claims not for the first time, not for the second time, but for the third time. Where is the lawyer who would permit a case that he has won to be reopened three times, or where is the individual?

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Not until I state my case. I admit that has nothing to do with this bill. I am going to talk on this bill. This is a question of policy entirely. This bill provides for the payment of some \$17,000 to representatives of this Government in the Foreign Service because of losses sustained as the result of an earthquake in Nicaragua. The question involved is, Does the Congress of the United States want to pay damages, the result of an act of God? I might add that the party who receives the sum of \$16,000 on this claim will likewise receive in a few days from this House 1 year's salary because her husband died while in the Foreign Service. That is not included in this bill. This is a different item for property which belonged to them that was lost as the result of the earthquake. If you are going to pay Government employees and the members of the Army and Navy and Marine Corps damages because of floods, earthquakes, fires, and so forth, then you are adopting a very dangerous policy which you will regret.

The Government would have furnished this Legation as it furnishes all legations, but in this instance they wanted to use their own furniture. By so doing they were saving storage charges. I cannot see where the Government should be held responsible for losses due to any earthquake.

Mr. COLDEN. If we pay this, why not pay the losses of the California earthquakes?

Mr. COCHRAN. The people who suffered there were not employees of the Government, and there is that difference; but if you pay this, then you should pay every man at Langley Field, at Portsmouth Navy Yard, and at Fortress Monroe who lost belongings in the terrible flood there in 1933.

Mr. BLOOM. Mr. Speaker, the gentleman from Missouri [Mr. COCHRAN] is endeavoring to explain this particular case. This case is not the same as the explanation made by the gentleman from Missouri at all.



In reply to the gentleman from Missouri, permit me to state that at the time Mr. Hanna was appointed American Minister to Nicaragua the Legation premises there, which were leased by the Government and only partially furnished, were badly in need of repair and renovation, and were almost destitute of appropriate furniture and furnishings for the residence portion.

This being the situation, Mr. Hanna was confronted with the task of choosing between an appropriate and an inappropriate representation for the American Government in that capital. He chose the former, because it was believed that it would elicit an appreciative response from the community there, would greatly add to the influence and prestige of the Nation, and would play a very useful role in dealing with the Nicaraguan Government and people. Subsequent events justified the correctness of this view.

To furnish the premises, Minister Hanna collected at Managua his furniture and furnishings from his last previous post and from storage. The character and quantity of the articles thus collected were determined largely by the character of the premises to be furnished. These claims have received the most careful consideration of the Department's claim board, and the amount recommended to be appropriated is considered by the Department to be reasonable. In this connection it should be pointed out that only a portion of the losses suffered by the individuals involved are included in this bill. Minister Hanna, for example, lost additional personal belongings of great value, for which no claim is submitted, because they might be classed as luxury possessions. They were of great value to him, nevertheless, and to this Government likewise, since they were utilized to make the Government-leased Legation more representative.

While it is the almost universal practice of governments to supply furnishings for legations and embassies, the Government of the United States has done this only in a limited number of cases. Managua, at the time of the earthquake, was not one of those. It would seem unjust that, as against legations and embassies that are Government furnished, Minister Hanna, in addition to donating to the Government the use of his personal belongings, should be impelled to assume a risk against which he was unable to protect himself.

It has been stated that no showing has been made that these officers and employees could not have insured their personal belongings against such hazards.

In this connection it should be understood, first of all, that fire insurance did not protect against losses caused by the earthquake or by the fire which resulted therefrom. No fire-insurance company indemnified a single policyholder for his losses from the fire which followed the earthquake, since it was uniformly held that the fire was a direct result of the earthquake, and the policies of all companies contained a saving clause exempting the companies from liability in such a contingency.

Only earthquake insurance would have given protection against such losses, and that was prohibitive in cost. In support of this statement, it is reported that in the entire city of Managua, containing from sixty to seventy thousand inhabitants, only three property owners possessed earthquake insurance, and one of these was a bank of large resources. The cost of earthquake insurance was out of reach of the other property owners, as it was of the Foreign Service officers and employees involved in this bill.

At this point it should be stated that certain naval officers on duty at Managua at the time of the earthquake also suffered losses, which have been compensated for under Private Act No. 373, Seventy-fourth Congress, approved January 21, 1936. No reason is seen, therefore, for discrimination against members of the Foreign Service who suffered losses under the same circumstances.

In addition to the above it might also be pointed out that under the Army regulations the military personnel is compensated for private property lost or damaged in the military service, and an appropriation is available from which such losses are paid without their being submitted to Congress. The War Department regulations are similar to those con-

tained in the State Department order governing the determination of losses of Foreign Service officers and employees, except that in the determination made by the Department of State as to the amount of the losses legislative authority and an appropriation are necessary before such claims can be paid, whereas Congress has already given the War Department the authority and means to pay such losses as it shall determine reasonable and proper.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. COCHRAN. Please tell the House whether the other two claimants in the bill also furnished a legation.

Mr. BLOOM. I am talking about this Hanna claim.

Mr. COCHRAN. But there are two other claims in the bill which the committee has recognized.

Mr. BLOOM. I do not think it is fair to confuse the other bill with this. I shall be glad to talk about that at the proper time.

Mr. COCHRAN. They are in this item.

Mr. BLOOM. I refuse to yield further.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. McREYNOLDS. There is nothing included in this bill except necessities which the minister had to have at that time?

Mr. BLOOM. Absolutely.

Mr. McREYNOLDS. And it was customary for the Government to furnish its own building, but in this case the minister had to furnish the building?

Mr. BLOOM. That is right. The chairman of the Foreign Affairs Committee has explained to you the Government furnishes the building at their embassies and legations. If the Government would have paid for the furniture in this legation, the Government would have been out this much money. The records show that the least amount of money that is expended in any legation is about \$25,000.

At this time permit me to give to you the history of the life and service of Mr. Hanna.

Matthew Elting Hanna, deceased husband of Gustava Hanna, was born in Londonderry, Ohio, March 9, 1873; graduated from the United States Military Academy in 1897; United States Army 1897-1913, captain; Cuban service, 1898; aide to military government of Cuba, 1898-1902; commander of public schools of Cuba, 1900-1902; military attaché at Habana, 1902-1904; special agent of the United States in Panama, 1909; special representative of the United States at German Army maneuvers, 1911; chemical manufacturing business, 1912-17; inspector general, Massachusetts Militia, 1912-14; appointed assistant in American Embassy at Mexico City February 1917; appointed after examination secretary of embassy or legation of class 4, August 23, 1917, and assigned to Mexico City; secretary of class 3, March 14, 1919; class 2, August 24, 1921; assigned to the Department as acting chief, Division of Mexican Affairs, September 20, 1921; chief, December 20, 1921; assigned to Berlin, March 10, 1924; Foreign Service officer, class 4, July 1, 1924, class 3, August 8, 1924; member of Board of Review, Foreign Service Personnel, 1926; Foreign Service inspector, November 6, 1925; class 2, June 30, 1927; assigned to Lima, November 11, 1927; counselor of embassy, November 25, 1927; secretary to American delegation Sixth International Conference of American States, Habana, 1928; assigned to Managua March 22, 1929; Envoy Extraordinary and Minister Plenipotentiary to Nicaragua, December 16, 1929; to Guatemala July 17, 1933; died February 19, 1936, while in the Service as Minister to Guatemala.

The SPEAKER. The time of the gentleman from New York [Mr. Bloom] has expired.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose under the rule.

The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 18 and noes 41.

So the amendment was rejected.

Mr. BLOOM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: Page 1, line 9, after the word "to", insert "Gustava Hanna, widow of."

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

(H. R. 3365. A bill for the relief of Lily M. Miller)

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of Lily M. Miller, widow of Ransford S. Miller, American consul general, the sum of \$9,000, being 1 year's salary of her deceased husband, who died while in the Foreign Service.

Mr. McREYNOLDS. Mr. Speaker, I offer an amendment to strike the last section for the reason that that has already become the law. A private bill was passed at the last session covering this.

The Clerk read as follows:

Amendment offered by Mr. McREYNOLDS: Strike out all of H. R. 3365, a bill for the relief of Lily M. Miller.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The Clerk called the next omnibus bill, H. R. 8750, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 796. For the relief of A. E. Clark.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. E. Clark, out of any money in the Treasury not otherwise appropriated, the sum of \$566.09 in full settlement of all claims against the Government on account of money expended by him between March 1, 1930, and July 10, 1930, while employed by the Government as an assistant supervisor of census in the State of Washington.

With the following committee amendment:

Page 2, line 3, after the word "Washington", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. COCHRAN. I offer an amendment, Mr. Speaker.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 3, strike out all of title I.

Mr. COCHRAN. Mr. Speaker, this is another bill that involves solely a question of policy. It is a very small sum, but it applies to a Government employee. He made application for a per-diem allowance. He was employed by the Census Bureau. The standardized Government travel regulations did not admit him to receive and he was not entitled to receive the money, so he comes down to Congress and he wants you to set aside the Government regulations and have the Government pick him out as one out of hundreds of thousands of Government employees and give him pay that other employees are denied.

That is all there is to this bill.

Mr. SMITH of Washington. Mr. Speaker, I rise in opposition to the amendment.

I wish to appeal to the membership to vote down the amendment offered by the gentleman from Missouri [Mr. COCHRAN], as I am conversant with the facts in regard to this bill, and I am very glad to assume full responsibility for it, although I inherited it from my predecessor, Albert Johnson, who served in this House for 20 years.

I regret to have to say that the facts are not at all as stated by the gentleman from Missouri in the brief statement he has just made to the House. The facts in the case are these: Mr. Clark, the claimant, was engaged as assistant district supervisor of the Census in 1930. Before he entered upon the performance of his duties he inquired of the district supervisor whether he would be paid travel allowance in view of the fact that he resided at Camas, some 50 miles from the city of Longview, where his headquarters were to be in that district. The supervisor informed him, and this is conclusively set forth in the committee report by letters, affidavits, and the report of the proper department of the Government, the Bureau of the Census, that he would be paid such travel allowance.

The supervisor also referred him to the Congressman responsible for his appointment, former Congressman Johnson. Mr. Johnson communicated with the Director of the Census here in Washington and was informed by Dr. Hill, Assistant Director of the Census, that the travel allowance would be paid to Mr. Clark, the claimant. Mr. Clark was so notified by Mr. Johnson and thereupon entered upon the performance of his duties. The report shows that those duties were faithfully, efficiently, and well performed, and that in due course he submitted his claim.

Mr. Speaker, it seems to me that involved in this bill is the question whether the Government of the United States is honorable and lives up to its contracts and performs them with citizens of this country. Here is a man of very ordinary means. I know him personally. He is a very fine citizen, a veteran of the Spanish-American War, and he was assured that he would receive this travel allowance. He informed the district supervisor that if he was not to be paid this amount he could not afford to accept the position because he lived 50 miles from his headquarters and could not afford to pay hotel bills, travel expenses, gasoline, and other sundry expenses out of the meager per diem pay he was to receive. He relied upon that promise and agreement, expressly made, and performed the services required of him.

I submit, Mr. Speaker, that if a just bill was ever submitted to the House, this is such a bill. Only \$560 is involved, but every red penny of it ought to be paid. Otherwise this Government will be convicted of perpetrating a fraud upon one of its citizens, and I, therefore, appeal to the House to reject the amendment.

The SPEAKER. The question is on the amendment.

The amendment was rejected.

E. G. BRISENO

The Clerk read as follows:

Title II—(H. R. 1365. For the relief of E. G. Briseno)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. G. Briseno, of El Paso, Tex., the sum of \$5,000 for painful, severe, and permanent injury to his minor son, Hector Briseno, caused by the explosion of a shell picked up on private property, which shell had been dropped and left there by troops of the United States Army engaged in target practice.

SEC. 2. There is further appropriated the sum of \$1,225.35 to E. G. Briseno, being expense incurred by him in medical and nursing care of the said Hector Briseno as the result of this injury.

Committee amendments:

Page 2, line 20, strike out "\$5,000" and insert "\$5,225.35 in full settlement of all claims against the United States."

Page 3, line 2, after the word "practice", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a



misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Page 3, line 15, strike out section 2 and insert in lieu thereof the following:

"Sec. 2. Of the said \$5,225.35 herein appropriated, the sum of \$4,000 shall be held in trust by the said E. G. Briseno, for use in maintenance of his minor son, and the sum of \$1,225.35 shall be paid to him as reimbursement for medical expenses incurred by him as the result of the injury to said Hector Briseno."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 16, strike out all of title II.

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of \$5,225.35 for medical expenses and injuries received by the claimant. It appears that the claimant, a minor, came into possession of an unexploded Army shell and was injured as a result of the explosion of that shell, which took place in the home of the claimant. It appears that several boys down in the State of Texas went upon an Army reservation. The reservation was not fenced. As I understand, it is not the custom in Texas to fence in these reservations. So when the committee report tries to make a point of the fact the reservation was not fenced I feel they are raising an immaterial question because that is not the custom in that section of the country.

A lengthy statement was put in the record by a notary public regarding the situation in Texas trying to prove the merits of this claim. The notary was not a witness and is no more conversant with the facts than any individual here in this House might be.

Mr. Speaker, I feel there is no liability whatsoever on the part of the Government. The Government cannot be responsible when some private citizen comes upon a Government reservation, takes the property of the Government off the reservation, and subsequently is injured because the property he removed happens to be of an explosive character. I feel we cannot hold the Federal Government responsible under such circumstances, and for this reason I oppose the passage of this bill.

It is true the claimant is a minor, and while we may have a great deal of sympathy for him because of the injuries he sustained, I do not feel there is any direct or real responsibility on the part of the Government.

Mr. GOLDSBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. GOLDSBOROUGH. How old was the boy?

Mr. COSTELLO. I believe he is 9 years old.

Mr. GOLDSBOROUGH. The bill states the injury was caused by the explosion of a shell picked up on private property.

Mr. COSTELLO. It is my understanding that the shell was picked up on the Government firing range used in connection with the camp and belonging to the Federal Government.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. TERRY. The gentleman states that this shell was on the range?

Mr. COSTELLO. It was on the range and the boys had gone out with a group of people and were picnicking on the range. Some of the boys picked up an unfired shell.

Mr. TERRY. Does the gentleman feel the Government should have left an unfired shell on the range?

Mr. COSTELLO. There may be some negligence on the part of the soldier for leaving an unfired shell on the range, but I do not think we can attribute this negligence to the Government to the extent that where some private citizen goes upon Government property and removes an unfired shell he can recover any more than if he went to a storage magazine and removed an unfired shell. There was some negligence on the part of the soldier in leaving it there, but

I submit the proposition that the negligence does not extend to the Government.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HOUSTON. Was there any fence or obstruction around this ground or any sign to keep off?

Mr. COSTELLO. I stated that the range was not fenced. The only time it was placarded was when the soldiers were actually firing.

Further, it is not the custom in Texas to enclose ranges and things of that kind, and even where there are fences it is the custom down in Texas to climb over the fences. The communal custom in Texas tolerates trespass even where fences exist.

[Here the gavel fell.]

Mr. THOMASON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I have considerable personal knowledge of this claim. In my judgment it is very meritorious, and I know it is one of the most pitiful cases I know anything about. I want to tell you something about the inexcusable negligence in this case, and also something about this nice little boy.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Maryland.

Mr. GOLDSBOROUGH. May I say that from my knowledge of civil actions, if a suit had been brought under circumstances such as narrated by the gentleman from California against a private individual, the private individual would have been liable, even as against a trespassor.

Mr. THOMASON. Absolutely. Let me state, just briefly, the facts because my time is limited.

Fort Bliss is at the edge of the city of El Paso. Just back of Fort Bliss is a great, big, wide-open country. There is some question as to whether this particular target range was owned by the Government or was private property. The statement of the witnesses in the record would indicate it was private property. However, the Government had it under a lease of some sort, because it was using this property as a target range. There were no fences around it. There were no signs whatever, and there was no warning of any kind on the property. The only thing that the War Department and the officers at Fort Bliss ever claimed was that they inserted a notice in the advertising section of the local paper as to when there would be firing on the range.

Mr. Speaker, the father of this little boy is an illiterate Mexican. Several children went out to the poppy field, which is on or near the target range, for a picnic. There they found this peculiar-looking shell that they did not know anything about and the ignorant father knew nothing about. All were ignorant of firearms. They took the shell home. It had been left there admittedly by the War Department through its soldiers and officers. As I previously stated, these little children took the shell home and played with it day after day for some time. One day while playing with it the shell exploded.

Mr. PITTINGER. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Minnesota.

Mr. PITTINGER. Tell us about the nature of the injury.

Mr. THOMASON. The injuries are just too pitiful, and my poor ability at description will not permit me to begin to tell the extent of the injuries.

Mr. PITTINGER. The child is a hopeless cripple?

Mr. THOMASON. Yes. One arm is gone. An eye is damaged I think. He has cuts, bruises, and powder marks all over him. He is a cripple in his right leg. The report shows all his injuries and there is a statement from the attending physician.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. DOCKWEILER. I see that the award, if this bill is passed, goes to the father. Is there a guardianship set up here?

Mr. THOMASON. No. Four thousand dollars of this money is to be placed in trust for the boy, and a guardian will have to be appointed for the boy. However, the father spent every penny of money he had, something like \$1,200, to save the life of this little child and patch him up as best he could. This boy came to my office when I was home last year. He is a hopeless cripple for life and I say it was the worst kind of negligence on the part of the Government.

Mr. MILLARD. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from New York.

Mr. MILLARD. What is the age of the child?

Mr. THOMASON. He is about 9 years old. Of course, this money will be placed in trust until he is 21 years old. The committee awarded the father the money he had expended for doctor and hospital bills.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Texas.

Mr. JOHNSON of Texas. According to the statement of the gentleman from California, the soldiers were guilty of negligence, and these soldiers were the agents of the Government?

Mr. THOMASON. Yes. There is not a sign of a fence there. There is no warning whatever. There is no guard and no notice or anything. It is just a great big wide open country, and these children went out there and picked up this unexploded shell. I say it is the worst kind of negligence, and I beg of you, as a matter of justice to an innocent illiterate Mexican boy, to give him this award.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I had a somewhat similar bill, and it was passed by the House.

Mr. THOMASON. Yes; and I hope the House will pass this one. This bill comes in here with a unanimous report of the committee. It is a most deserving case, and I hope and believe you will vote down the amendment and then pass the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title III—(H. R. 1485. To pay to the Printz-Biederman Co., of Cleveland, Ohio, the sum of \$741.40, money paid as duty on merchandise imported under sec. 308 of the tariff act)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Printz-Biederman Co., of Cleveland, Ohio, the sum of \$741.40 in full settlement of all claims against the Government of the United States for money paid as duty upon certain merchandise imported under section 308 of the Tariff Act of September 21, 1922: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title IV—(H. R. 2087. For the relief of the Delaware Bay Shipbuilding Co.)

That the claim of the Delaware Bay Shipbuilding Co., of Leesburg, N. J., against the United States for damages alleged to have been caused to its marine railway by the United States Coast Guard boat CG-227 on the morning of November 6, 1931, may be determined in a suit to be brought by said claimant against the United States in the District Court of the United States for the District of New Jersey: *Provided*, That notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within 4 months of the date of the approval of this act.

Title V—(H. R. 2163. For the relief of William Sulem)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Sulem, of the township of Franklin, county of Somerset, and State of New Jersey, the sum of \$1,482, in full settlement of all claims against the Government of the United States for injuries received by and damages to property of the said William Sulem while operating his automobile on the public highway in New Brunswick, N. J., by the negligent operation of a United States Government mail truck, no. 9920, on said highway in said city while said truck was in the care and custody of and being driven by an operative of the United States Post Office Department under the orders of the postmaster in the United States Postal Service at New Brunswick, N. J.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title VI—(H. R. 2183. For the relief of the estate of Milton L. Baxter)

That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Milton L. Baxter the sum of \$2,000 as compensation for the death of the said Milton L. Baxter, who was killed October 13, 1929, when the automobile which he was driving went off the bridge over the Cape Cod Canal at Bourne, Mass., and into the waters of the canal by reason of a defect in said bridge, which was owned by, and under the jurisdiction and maintenance of, the United States Government.

With the following committee amendments:

On page 7, line 1, strike out "as compensation" and insert "in full settlement of all claims against the Government of the United States."

At the end of page 7, after line 9, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On page 6, strike out all of title VI.

Mr. HANCOCK of New York. Mr. Speaker, the basis for this claim is that a bridge owned and operated by the Government over the Cape Cod Canal is alleged to have been unsafe and in defective condition. There were no eyewitnesses to the accident. All we know is that the gentleman in question drove a car over the bridge about 7:30 at night, ran through the railing, and was drowned in the Cape Cod Canal.

The question is whether or not the bridge was properly constructed. There is no dispute about the fact there was a warning sign in large letters warning the drivers of automobiles to proceed carefully and fixing a limit of 15 miles an hour. On both sides of the bridge there were guard rails 4 feet high and constructed of 2-inch pipe and wire netting. On one side was a safety sill 8 inches high and no sidewalk. On the other side there was a sidewalk 6 inches above the level of the roadway of the bridge, which was in effect a safety sill.

This bridge had been operated by the Government since 1928 and this was the first serious accident. Several million people had driven over this bridge. On the day Baxter was killed 3,649 cars crossed without trouble. If you are going to allow this claim you have got to do it purely on imagination, because there is not a scrap of evidence to show any wrongdoing or any lack of care on the part of anybody. The man, obviously, simply ran across the bridge too fast, lost control of his car, and the car jumped through the railing.

There is no basis for this claim whatever.



The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

Title VII—(H. R. 2259. For the relief of Addie I. Tryon and Lorin H. Tryon)

That jurisdiction is hereby conferred upon the District Court of the United States in and for the Southern Division of the Northern District of California to hear, examine, determine, adjudicate, and render judgment upon the claim of Addie I. Tryon and/or Lorin H. Tryon, of San Francisco, Calif., whether as individuals in their, or either of their, own rights or as successors in interest to, and/or distributees of the estate, or personal representatives of, E. H. Tryon, deceased, for the recovery and repayment of the sum of \$23,149.63, paid by said parties or either of them to the United States on or about April 24, 1923, as excess wool profits for, and realized and made by, said E. H. Tryon during the year 1918 and that said court shall hear, examine, determine, adjudicate, and render judgment upon said claim notwithstanding the bar prescribed by any statute of limitations or by laches or delay, which said bar is hereby removed, and that said claim may be sued for by said Addie I. Tryon and Lorin H. Tryon in said District Court of the United States in and for the Southern Division of the Northern District of California, acting under the rules governing such court. And said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such excess profits which may have been so paid, if the same or any part thereof shall be found to be due, together with interest thereon at the rate of 6 percent per annum from April 24, 1923, against the United States in favor of said Addie I. Tryon and/or Lorin H. Tryon, as their interests may appear: *Provided*, That such notice of suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States Attorney in such district to appear and to defend for the United States: *Provided further*, That said suit shall be brought and commenced within 6 months from the final passage of this act: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 8, line 13, after the word "bar", strike out the remainder of line 13, all of line 14, and the word "removed" in line 15, and insert "or defense that payment of such excess wool profits was voluntarily made, or of laches, lapse of time, any alleged settlement heretofore made, res judicata, or any statute of limitations, which said bars are hereby removed."

Page 9, line 1, after the word "due", strike out the remainder of line 1, and all of line 2, and "April 24, 1923" in line 3.

Page 9, line 12, beginning with the word "Provided", strike out the remainder of the bill and insert "And provided further, That an appeal directly from the decision of said district court shall lie to the Supreme Court of the United States in manner as now provided for other direct appeals from the district courts of the United States to the said Supreme Court."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 7, line 22, strike out of all of title VII.

Mr. COSTELLO. Mr. Speaker, this claim arises out of the action of the War Industries Board during the late World War, whereby the Board authorized control over the clip of wool which was to be purchased in the country.

The claimant here was a central dealer, grading the wool and selling it directly to the Quartermaster of the Army. The Quartermaster paid a commission of 3 or 4 percent depending upon the territory from which the wool was procured.

When Tryon, the claimant herein, completed his transactions with respect to the wool of the domestic clip of 1918, his books were examined and the audit of the Department of Agriculture found he had made excess profits in the sum of \$25,275 and the administrators of his estate paid the Department the sum which is claimed in this bill.

The Department opposes the passage of the bill because the contracts upon which the claim is based were voluntarily

entered into and they were subject to the regulations of the War Industries Board and they found that Tryon received large benefits from the Government as a result of these contracts, and now it is desired to free him from suffering any penalties that may have been occasioned because of having entered into these contracts.

As a result, I feel that the passage of this bill would simply be throwing open the doors to numerous claimants who are in a similar position where money has been obtained by the collection of excess profits that have already been expended, and this money that the Government has obtained would now have to be taken out of the general Treasury. I feel that the claimant is not entitled to relief, and I ask that the House vote down the bill by approving the amendment which I have offered.

Mrs. KAHN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill simply authorizes the heirs of E. H. Tryon to go into the United States District Court of California and prosecute their claims for the taxes which were paid into the Treasury as excess-profit taxes.

The circumstances are very much complicated by the Government's regulations for handling the wool clip of 1918 and by the decisions of various courts, including the Supreme Court of the United States, whose decisions are so terrifically in conflict that they could not get into court until after the statute of limitations had run. The entire nature of the controversy is such that it cannot be determined except by the courts. All they are asking is permission to go into the district court of California and prosecute their suit and have the statute of limitations waived, because on account of the various conflicts arising from these complicated regulations they have not been able to seek redress in the courts. I sincerely hope that the amendment of the gentleman from California will be voted down.

Mr. HOUSTON. Will the lady yield?

Mrs. KAHN. I yield.

Mr. HOUSTON. Is it not a fact that this is in conformity with the suggestion of the Department of Agriculture?

Mrs. KAHN. It is; and when the matter was explained to the committee, the committee unanimously voted to put it into the omnibus bill.

Mr. HOUSTON. That is correct.

The SPEAKER pro tempore (Mr. BLOOM). The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Title VIII—(H. R. 2674. For the relief of G. Elias & Bro., Inc.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to G. Elias & Bro., Inc., out of any money in the Treasury not otherwise appropriated, the sum of \$30,859.28 in full settlement for losses suffered by the said G. Elias & Bro., Inc., by reason of changes in the specifications and extra work from which the Government received the benefit but for which no pay whatever has been paid to the said G. Elias & Bro., Inc., under contracts W 535 AC-602 and W 535 AC-628, dated December 14, 1926, and January 28, 1927, with the Air Corps for furnishing certain airship parts and equipment to the United States Army Air Corps.

With the following committee amendments:

Page 10, line 9, strike out the figures "\$30,859.28" and insert "\$24,139.28."

Page 10, line 10, after the word "settlement", insert "of all claims against the United States."

Page 10, line 19, after the word "Corps", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment.



The Clerk read as follows:

Page 10, strike out all of title VIII.

Mr. COCHRAN. Mr. Speaker, I have not only secured the report from the Department on this bill and on other bills, but I have a report from the Comptroller General of the United States.

This bill proposes to pay out of the Treasury—it does not send the case to the Court of Claims—but takes the money out of the Treasury—\$24,139 for alleged losses in connection with the changing of plans and specifications for airplane parts furnished under contract with the War Department in 1926 and 1927. Here is what the Comptroller General says:

This bill proposes to pay the claimant \$24,139.28 for alleged losses in connection with changes in plans and specifications for airplane parts furnished under contracts with the War Department in 1926 and 1927.

The contracts provided for such changes in plans and specifications and required the contractor to "submit evidence to the contracting officer of the amount involved by such change or changes", and that for any change increasing the cost of performance "an equitable adjustment will be made at the time such change or changes are made." Instead of the contractor submitting evidence of increased cost at the time the changes were made, the contractor accepted the changes with the statements thereon that "Contract price and terms of delivery not affected."

Does Congress wish to allow extra compensation for losses alleged to have been sustained over 9 years ago, when no claim therefor was requested or made at the time the changes were agreed upon? Is it not a condition precedent to the payment of increased costs under a contract that claim therefor, supported by proper evidence, be filed at the time changes are made? (*Plumley v. United States*, 43 Ct. Cls. 266, 226 U. S. 545.) Are the terms of the contracts and the principles of contract law to be disregarded entirely?

Surely, if you are going to act on this claim, it should go to the Court of Claims and give the Government a chance in court to protect the taxpayers' money.

Mr. MEAD. Mr. Speaker, I rise in opposition to the amendment. I am not only familiar with the claim, I am familiar with the factory, and I am familiar with the claimant. This claim is based on an order for airplane parts issued by the Government in 1926 and 1927.

Upon the acceptance of that particular bid the manufacturer was called upon to build a great many jigs, tools, and other forms upon which to construct the airplane parts. Upon the completion of the construction of the airplane parts it was discovered that the parts would not fit. They were constructed according to plans and specifications, and the claimant was called upon to employ engineering service to check the plans and to discard many of the jigs and tools and forms and to make new airplane parts in fulfillment of the order. In addition to that he was called upon to deliver these parts f. o. b. at his own factory, but, lo and behold! the Government inspectors then found that an ordinary railroad boxcar would not take them to their destination, and because he was called upon to crate them, he was then forced to build a special boxcar large enough to hold certain of the parts which were included in the order. The gentleman from Missouri [Mr. COCHRAN] said no evidence was given that this claimant incurred additional expense. I ask any man or woman in the House to read the report on the bill. The report is filled with abundant evidence of changes ordered by the Government and the acceptance of those changes by the claimant and, of course, the inference that it would cost additional money. Remember this in passing judgment on this claim: The aviation industry was in its youth. Chaos and confusion were in evidence in the War Department in connection with its aviation-construction program at this time. Changes in nearly every order and factory all over the country were commonplace. The fact that this man completed his work at a great loss to himself, and that the Senate was convinced he had an equity when it passed the bill and the House committee was convinced there was an equity when it passed the bill, is the answer to the statement made by the gentleman from Missouri that there was no evidence of added cost.

The evidence is in the report. There you will find numerous requests upon the part of the War Department asking this claimant to change certain parts, and asking him to

complete his work, because if he did not deliver the order within the time specified he would be subject to penalty. He tried his level best to meet the requests and counter-requests of the Department, and he did a good job in doing it.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield? Mr. MEAD. Yes; I yield.

Mr. PITTENGER. Since when did the Comptroller General get authorization to tell Congress what to do, either through the chairman of the committee or any Member of this House?

Mr. MEAD. I realize that the gentleman from Missouri made the statement that the Comptroller had decided against payment as suggested in the bill, but I am with the gentleman from Minnesota, who is a member of the committee. He studied this bill, and I maintain it is the duty and prerogative of Congress to legislate on matters of this kind.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired. The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

The SPEAKER pro tempore. The Clerk will report the next title.

The Clerk read as follows:

Title IX—(H. R. 3155. To authorize the Secretary of the Treasury of the United States to refund to The Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co. of Oshkosh, Wis., income taxes illegally paid to the United States Treasury.)

That the Secretary of the Treasury is hereby authorized and directed to pay to The Bankers Reserve Life Co. of Omaha, Nebr., out of any money in the Treasury not otherwise appropriated, the sum of \$19,474.58, together with interest, and the additional sum of \$27,727.71, together with interest, in full settlement of all claims against the United States, on account of said sums being illegally and through error, paid into the Treasury of the United States by The Bankers Reserve Life Co. of Omaha, Nebr., as income taxes for the years 1923 and 1924, respectively, said sums having been paid pursuant to the provisions of section 245 (a) (2) of the Revenue Acts of 1921 and 1924, which section, by decision of the Supreme Court of the United States, was held to be unconstitutional in the case of the *National Life Insurance Co. v. United States* (277 U. S. 508).

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to the Wisconsin National Life Insurance Co. of Oshkosh, Wis., the sum of \$6,042.91, together with interest, and also the additional sum of \$5,979.18, together with interest, in full settlement of all claims against the United States, on account of said sums being illegally and through error, paid into the Treasury of the United States by the Wisconsin National Life Insurance Co. of Oshkosh, Wis., as income taxes for the years 1924 and 1925, respectively, said sums having been paid pursuant to the provisions of section 245 (a) (2) of the Revenue Acts of 1921 and 1924, which section, by decision of the Supreme Court of the United States, was held to be unconstitutional in the case of *National Life Insurance Co. v. United States* (277 U. S. 508).

SEC. 3. No part of the amount appropriated in this act, in excess of 10 percent thereof, shall be paid or delivered to, or received by, any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 11, beginning in line 13, strike out the remainder of the bill and insert: "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co. of Oshkosh, Wis., for a refund of income taxes paid by said companies for the years 1923, 1924, and 1925 in excess of the amount due and pursuant to the provisions of section 245 (a) (2), Revenue Acts of 1921 and 1924, which section was subsequently held unconstitutional by the Supreme Court of the United States in the case of *National Life Insurance Co. v. United States* (277 U. S. 508), notwithstanding the bars or defense of any alleged settlement heretofore made or of res judicata, lapse of time, laches, or any statute of limitations. Suit hereunder may be instituted at any time within 4 months from the approval of this act, and proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended."



The SPEAKER pro tempore. The question is on agreeing to the amendment.

The committee amendment was concurred in.

The title was amended to read as follows: "To confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co. of Oshkosh, Wis."

The SPEAKER pro tempore. The Clerk will report the next title.

The Clerk read as follows:

Title X—(H. R. 3218. For the relief of Fred Herrick.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Herrick, of Spokane, Wash., the sum of \$50,000 in recognition of work done by the said Fred Herrick in making more accessible the timber resources of the Malheur National Forest by railroad construction: *Provided*, That the said Fred Herrick shall disclaim and waive all right or claim to any money paid by him and covered into the Treasury in connection with that certain contract for the purchase of timber on the Malheur National Forest, Oreg., dated June 15, 1923.

With the following committee amendments:

Page 14, line 4, after the word "Washington", insert "in full settlement of all claims against the Government of the United States."

Page 14, line 13, strike out the period, insert a colon and the following: "And *provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. COCHRAN. Mr. Speaker, a similar bill, S. 491, became Private Act No. 335 in the Seventy-fourth Congress, approved August 27, 1935, after this title was included in the omnibus bill. At that time this bill was laid on the table. I make the point of order that this bill is not properly in the omnibus bill.

The SPEAKER pro tempore. The point of order is sustained.

The Clerk will report the next title.

The Clerk read as follows:

Title XI—(H. R. 3286. For the relief of Albert W. Wright.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert W. Wright, of Richland, N. Y., the sum of \$304.33. Such sum represents payment to the Post Office Department by Albert W. Wright in the year 1921 to make up a deficit at the Richland (N. Y.) post office caused by theft, the recovery of which is barred by the statute of limitations.

With the following committee amendments:

Page 15, line 12, after the figures "\$304.33", insert "in full settlement of all claims against the Government of the United States."

Page 15, line 17, after the word "theft", strike out "the recovery of which is barred by the statute of limitations", and strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

Title XII—(H. R. 3348. For the relief of Nathan A. Buck.)

That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Nathan A. Buck, of Chatham, Mass., the sum of \$300

in full compensation for damage caused to his oyster beds in Oyster Pond River, in said Chatham, in the fall of 1931 by a boat belonging to the United States Coast and Geodetic Survey, Department of Commerce.

With the following committee amendments:

Page 16, line 11, strike out the word "compensation" and insert "settlement of all claims against the Government of the United States"; line 16, after the word "Commerce", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The Clerk read as follows:

Title XIII—(H. R. 3737. For the relief of George L. Stone.)

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to George L. Stone, a former employee in the Post Office Department, Division of Rural Mail Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, compensation hereunder to commence from and after the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, are hereby waived in favor of George L. Stone, who is alleged to have sustained disability while an employee in the Post Office Department, Division of Rural Mail Service, between December 16, 1907, and July 31, 1918: *Provided*, That no benefits shall accrue prior to the approval of this act: *Provided further*, That said George L. Stone shall file notice of injury and claim for compensation therefor not later than 60 days from the enactment of this act."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I move to strike out all of title XIII.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 17, beginning in line 4, strike out all of title XIII.

Mr. HANCOCK of New York. Mr. Speaker, I offer this amendment in order to keep my record consistent. We have frequently had bills introduced in recent years to extend the benefit of the Federal Employees' Compensation Act to employees whose disabilities arose prior to the passage of the present act in 1916. When they have come to my attention I have objected to them. I think there must be a time limit beyond which we shall not go.

The claimant in this case was a rural mail carrier whose disabilities, according to his own statement, commenced in 1910. He resigned in 1918. In 1929 he first filed a claim for compensation. His claim is that he acquired rheumatism, heart trouble, and kidney trouble by reason of the fact that he had to ride a horse to deliver his mail. I think that riding a horse is one of the most beneficial exercises a man can indulge in. It seems to me he led a good, healthy, wholesome life and that his present disabilities are unconnected with his Government service. His claim is so preposterous and arises so far back in ancient history that I think the House should follow the course which it has pursued in the past few years and that the amendment should be passed and the claim rejected.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. KENNEDY of Maryland) there were ayes 6 and noes 8.

Mr. HANCOCK of New York. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore (Mr. BLOOM). The Chair will count. [After counting.] Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 85, nays 198, not voting 145, as follows:

[Roll No. 74]

YEAS—85

Arends	Fiesinger	McFarlane
Ashbrook	Fish	McLeod
Bacon	Fletcher	Mahon
Blackney	Ford, Miss.	Main
Blanton	Gearhart	Mapes
Brewster	Gilchrist	Marcantonio
Burnham	Goodwin	Massingale
Carter	Halleck	May
Castellow	Hancock, N. Y.	Michener
Church	Hess	Millard
Cochran	Higgins, Conn.	Monaghan
Colden	Hoffman	Mott
Cole, N. Y.	Holmes	Parsons
Cooley	Hope	Perkins
Cooper, Ohio	Huddleston	Peterson, Ga.
Costello	Kinzer	Pierce
Crawford	Kloeb	Plumley
Crowther	Lambertson	Powers
Dondero	Lehibach	Ransley
Driscoll	Lord	Reece
Engel	Ludlow	Risk
Englebright	McClellan	Rogers, N. H.

NAYS—198

Adair	Doxey	Kniffin	Randolph
Andresen	Drewry	Knutson	Reed, Ill.
Bacharach	Driver	Kocalkowski	Reed, N. Y.
Bankhead	Duffy, N. Y.	Kopplemann	Reilly
Barry	Duncan	Kvale	Richards
Beam	Dunn, Pa.	Lambeth	Richardson
Belter	Eckert	Lanham	Robertson
Blinderup	Elcher	Larrabee	Robinson, Utah
Bland	Ekwall	Lea, Calif.	Rogers, Mass.
Bloom	Evans	Lemke	Rogers, Okla.
Boland	Faddis	Lesinski	Russell
Boylan	Frey	Lewis, Colo.	Ryan
Brooks	Fuller	Lewis, Md.	Sanders, Tex.
Brown, Ga.	Gasque	Luckey	Sauthoff
Brown, Mich.	Gassaway	McCormack	Schulte
Buchanan	Gehrmann	McGehee	Scruggam
Buckler, Minn.	Gildea	McGrath	Sears
Caldwell	Gillette	McKeough	Secrest
Cannon, Mo.	Goldsborough	McLaughlin	Shanley
Cannon, Wis.	Granfield	McReynolds	Sirovich
Carlson	Gray, Ind.	McSwain	Smith, Conn.
Carpenter	Green	Maas	Smith, Wash.
Cartwright	Gregory	Maloney	Smith, W. Va.
Casey	Griswold	Martin, Colo.	Somers, N. Y.
Celler	Guyer	Maverick	South
Chandler	Gwynne	Mead	Spence
Citron	Hamlin	Meeks	Starnes
Coffee	Hancock, N. C.	Merritt, N. Y.	Stefan
Colmer	Harlan	Mitchell, Ill.	Stubbs
Cooper, Tenn.	Hart	Murdock	Sutphin
Cox	Harter	Nelson	Tarver
Cravens	Healey	Norton	Thompson
Creal	Higgins, Mass.	O'Brien	Tonry
Crosser, Ohio	Hildebrandt	O'Connell	Turner
Crowe	Hill, Ala.	O'Connor	Umstead
Cullen	Hill, Samuel B.	O'Day	Utterback
Curley	Houston	O'Leary	Vinson, Ga.
Daly	Hull	O'Neal	Vinson, Ky.
Darden	Imhoff	Owen	Walter
Dear	Jacobsen	Parks	Warren
Deen	Jenckes, Ind.	Patman	Wearin
Delaney	Johnson, Okla.	Patterson	Weaver
Dempsey	Johnson, Tex.	Pearson	West
DeRouen	Johnson, W. Va.	Peyser	Whelchel
Dies	Jones	Pfeifer	Whittington
Dietrich	Kahn	Pittenger	Wood
Dingell	Kelly	Polk	Woodrum
Dockweller	Kennedy, Md.	Rabaut	Zimmerman
Dorsey	Kerr	Ramsay	
Doughton	Kleberg	Ramspeck	

NOT VOTING—145

Allen	Buck	Cole, Md.	Doutrich
Amle	Buckbee	Collins	Duffey, Ohio
Andrew, Mass.	Buckley, N. Y.	Connery	Dunn, Miss.
Andrews, N. Y.	Bulwinkle	Corning	Eagle
Ayers	Burch	Crosby	Eaton
Barden	Burdick	Cross, Tex.	Edmiston
Bell	Carmichael	Culkin	Ellenbogen
Berlin	Cary	Cummings	Farley
Biermann	Cavicchia	Darrow	Fenerty
Boehne	Chapman	Dickstein	Ferguson
Boileau	Christianson	Dirksen	Fernandez
Bolton	Claiborne	Disney	Fitzpatrick
Boykin	Clark, Idaho	Ditter	Flannagan
Brennan	Clark, N. C.	Dobbins	Focht

Ford, Calif.	Kramer	Palmisano	Stewart
Fulmer	Lamneck	Patton	Sullivan
Gambrill	Lee, Okla.	Peterson, Fla.	Sumners, Tex.
Gavagan	Lucas	Pettengill	Sweeney
Gifford	Lundeen	Quinn	Taylor, Colo.
Gingery	McAndrews	Rankin	Thom
Gray, Pa.	McGroarty	Rayburn	Thomas
Greenway	McLean	Rich	Thurston
Greenwood	McMillan	Robison, Ky.	Wadsworth
Greever	Mansfield	Romjue	Wallgren
Haines	Marshall	Sabath	Werner
Hartley	Martin, Mass.	Sadowski	White
Hennings	Mason	Sanders, La.	Wigglesworth
Hill, Knute	Merritt, Conn.	Sandlin	Wilcox
Hobbs	Miller	Schaefer	Williams
Hoepfel	Mitchell, Tenn.	Schneider, Wis.	Wilson, La.
Hollister	Montague	Schuetz	Wilson, Pa.
Hook	Montet	Shannon	Withrow
Jenkins, Ohio	Moran	Sisson	Wolfenden
Kee	Moritz	Smith, Va.	Zioncheck
Keller	Nichols	Snyder, Pa.	
Kennedy, N. Y.	Oliver	Stack	
Kenney	O'Malley	Steagall	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Additional general pairs:

Mr. Rankin with Mr. Wadsworth.  
Mr. Corning with Mr. Darrow.  
Mr. Fitzpatrick with Mr. Andrew of Massachusetts.  
Mr. Sabath with Mr. Allen.  
Mr. Chapman with Mr. Gifford.  
Mr. Mansfield with Mr. Christianson.  
Mr. Duffey of Ohio with Mr. Marshall.  
Mr. Connery with Mr. Wigglesworth.  
Mr. Kramer with Mr. McLean.  
Mr. McAndrews with Mr. Buckbee.  
Mr. Burch with Mr. Thurston.  
Mr. Fulmer with Mr. Wilson of Pennsylvania.  
Mr. Sumners of Texas with Mr. Andrews of New York.  
Mr. Miller with Mr. Hollister.  
Mr. Steagall with Mr. Wolfenden.  
Mr. Wilcox with Mr. Culkin.  
Mr. Pettengill with Mr. Rich.  
Mr. Snyder of Pennsylvania with Mr. Focht.  
Mr. Patten with Mr. Lundeen.  
Mr. Werner with Mr. Burdick.  
Mr. Sadowski with Mr. Schneider of Wisconsin.  
Mr. Nichols with Mr. Withrow.  
Mr. Quinn with Mr. Knute Hill.  
Mr. Smith of Virginia with Mr. Buckley of New York.  
Mr. Tolan with Mr. Barden.  
Mr. Williams with Mr. Cummings.  
Mr. Buck with Mr. Dobbins.  
Mr. Disney with Mr. Sandlin.  
Mr. Greever with Mr. Wallgren.  
Mr. Sweeney with Mr. Haines.  
Mr. Wilson of Louisiana with Mr. Hook.  
Mr. Bell with Mr. Dickstein.  
Mr. Gingery with Mr. Peterson of Florida.  
Mr. Lucas with Mr. White.  
Mr. Oliver with Mr. Hennings.  
Mr. Biermann with Mr. Hobbs.  
Mr. Zioncheck with Mr. Ellenbogen.  
Mr. Cross with Mr. Keller.  
Mr. Lee of Oklahoma with Mr. Ferguson.  
Mr. Gambrill with Mr. Ford of California.  
Mr. Gray of Pennsylvania with Mr. Palmisano.

Mr. ROBERTSON changed his vote from "aye" to "no."

Mr. KNUTSON changed his vote from "aye" to "no."

Mr. RANDOLPH changed his vote from "aye" to "no."

Mr. POLK changed his vote from "aye" to "no."

Mr. BLANTON changed his vote from "no" to "aye."

Mr. DUFFY of New York changed his vote from "aye" to "no."

Mr. SUTPHIN changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The doors were opened.

DISTRICT OF COLUMBIA SCHOOLS AS I KNOW THEM

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a radio address made by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by me over the radio on April 20:

I have been invited by the Columbia network to address you tonight in reply to a serious charge of communism in the schools of Washington which was broadcast over this network on Friday evening. I suggested that the proper person to reply was the



superintendent of schools who was named in the indictment, but the permission of the Board of Education was necessary and as their meeting does not take place until April 22 this permission could not be received in time. It is my hope that this permission will be granted and that the Columbia network will invite Dr. Ballou to present the case for the schools in the near future. Tonight, in the short time I have, I shall try to tell you of the schools as I know them.

Before doing so I must correct a misapprehension that perhaps exists in the minds of those of you who heard the attack of Mr. BLANTON on the Ellenbogen rent bill on Friday night. I shall quote: "The House today killed the communistic Ellenbogen bill by a vote of 85 to 196." As chairman of the committee reporting the bill to the House I want you to know that is the most ridiculous charge ever made about any bill. An almost identical bill has been introduced in the Senate by Senator CAPPER, the distinguished Senator from Kansas, and certainly no one would accuse him of communism. My colleagues in the House are about as able and fair a group as can be found anywhere in these United States. I acknowledge a great debt of gratitude to them for their fine cooperation and loyalty to me at all times. Their judgment in defeating the Ellenbogen bill I do not criticize. It was based on the fact that many thought it to be unconstitutional. Since I am not a lawyer and we have about 300 lawyers in the House, and since even the esteemed and able nine members of the United States Supreme Court rarely render a unanimous verdict, it would seem absurd to question the difference of opinion expressed by my colleagues, and I may assure you that I have not done so. But as a woman whose whole life has been built upon faith in God and in religion, I must emphatically protest against any man insulting my intelligence and yours by charging that a bill I presented in the House was communistic. I have heard many unfair charges hurled in the House in the heat of debate but there is no excuse for such injustice in the calm atmosphere of a radio studio.

Surely nothing could give more satisfaction to the Communists than such misstatement of fact. If communism ever becomes dangerous in our beloved country—and I do not believe it will—the blame can be laid at the door of the "red baiters", people who insist in seeing red everywhere and in everything. I am not minimizing the bad influence of even the small minority of people in this country who believe in communism. What I am more fearful of than their influence is the influence of those who, in the name of patriotism, are constantly raising the question, when it would seem to be the better part of wisdom for us to break down communism by concerning ourselves with the things that foster its growth. If our children were trained in the home to love God, to honor and revere the things which we have acquired under the flag of liberty and justice, we would not need to worry so much about the schools of the Nation. The serious breakdown in religion and morale in the homes of America seems to be far greater than in the schools of the Nation, and because of this the responsibility has been very heavy for our teachers. I am one who believes that the majority of the teachers of the country are patriotic and are doing as good a job in the training of our youth as can be done considering the lack of cooperation they are receiving from the average home.

The charge that has been made regarding communism in the public schools of Washington has not been proved. So far as I have been able to learn upon investigation, I would say that it has been founded upon prejudice, not fact. The president of the Board of Education, Mrs. Henry Grattan Doyle, appeared before the House Committee on Education of the District of Columbia Committee, and presented testimony which proved conclusively that there never has been any evidence that communism was either taught or advocated in the schools of Washington.

The so-called "red rider" to the appropriation bill of 1936 is an insult to every patriotic school teacher in Washington. This rider was never given consideration by Congress prior to the presentation of the conference report on that act and was passed, as is usual with conference reports, without discussion. It never should have been attached to an appropriation bill. It was a legislative act. It serves no good purpose but rather is an unwarranted reflection on a great body of men and women of the District of Columbia. I, as a Member of Congress, and I may say every other Government official take an oath of office to support and defend the Constitution of the United States when we assume office. So does every school teacher in the system. Under the terms of this "red rider" every teacher and employee of the school system must renew this oath under the ruling of the Comptroller General, Mr. McCarl before receiving their pay check signing a statement that they have not taught nor advocated communism. This has brought about so much confusion with regard to the meaning of the words "teach" and "advocate" that it has resulted in a ridiculous situation. As one teacher explained it to me, "I am so fearful of the interpretation of the words that when I come to Russia I believe the best thing to do is skip it." What a ridiculous situation in a civilized community not to speak of the danger to the children for we all know that children are curious and determined to find out in their own way—very often a dangerous way—the explanation of knowledge which is denied. Therein lies one of the worst features of this legislation. If a teacher is allowed to use his or her good judgment in explaining the Russian Government I do not think it would present a picture that anyone would wish to accept.

At the present time communism is not discussed in the public schools—in fact, it is not even mentioned. The result is that the school child becomes intrigued by the thought of learning of this dread subject of communism, and the search for information concerning it brings him in touch with biased information on the subject. The opportunity for a trained person to present the inviolable comparison between the communistic theories and ideals of American Government is lost. Would it not be far better to give the teacher the opportunity to dwell on our ideals of government? There is no stronger way to stress a point than by comparison, and no comparison is more telling than that between Americanism and communism.

As chairman on the Committee on the District of Columbia of the House of Representatives, in which capacity I have had many opportunities to study the school system of the District of Columbia, I wish to say most emphatically that I have the utmost confidence in the Board of Education and the entire school system. I believe the school children of the District of Columbia are fortunate in having as instructors and guides in the formative years the type of man and woman connected with the schools.

I appeal to every father and mother who believes in fair play in the fundamental rights and principles of a free country to ask their Representatives in Congress to remain on the floor and listen to all the arguments presented on the Sisson bill. If they do this, I have no doubt that they will render a proper verdict when the bill is voted on. To those of you who are interested and unable to hear these arguments, I suggest that you write in for a copy of the hearings before the Education Subcommittee of the Committee on the District of Columbia. While this bill is a local one and concerned only with the schools of Washington, it has a great significance, because Washington is the Capital of the Nation and our schools indirectly influence the schools of America. Therefore, this controversy has assumed national importance.

To give you a background as to why a committee of the House of Representatives should be particularly interested in a situation which has to do entirely with the District of Columbia perhaps it would be well for me to explain that the District of Columbia is by virtue of the Constitution a Federal city and it is controlled entirely by Congress. People of Washington do not have a vote and therefore their problems must be assumed by Representatives from all over the country who actually represent their own district and have but a nominal interest in the District of Columbia. The business of the House of Representatives is for the most part conducted by the membership of the House resolved into committees. Each bill introduced in the House of Representatives is immediately referred for consideration to the committee that has jurisdiction over that particular phase of legislation. It is easily seen that each Member of Congress is desirous of being placed on that committee which can be of service to his own district. The Committee on the District of Columbia receives all bills affecting the District of Columbia, one of which was the Sisson bill which provides for the repeal of the so-called "red rider." This committee is composed of 19 men and 2 women representing 20 States. The Committee on the District of Columbia is in no way connected with any problem that has to do with any Member's own district. It is concerned entirely with the municipal work of the city of Washington. Therefore, membership on this committee is of necessity a patriotic service. However, the control that Congress has over the District is merely legislative. Three Commissioners who are appointed by the President assume the same duties as the average city council without the power ordinarily given such a body. They do not even appoint the Board of Education as is usual in most cities. It is appointed by the Supreme Court of the District of Columbia.

The Commissioners do, however, have the power to recommend legislation to Congress. This is as far as their power extends, and oftentimes necessary and remedial measures recommended by the Commissioners fail to pass the House or the Senate, or both. Of course, any Member of Congress can introduce bills affecting the District of Columbia, and any citizen of Washington can request any Member of Congress to introduce a bill. Therefore it is easily seen that the District of Columbia is factually at the mercy of Congress, whose Members in many instances utterly disregard their duty to the District of Columbia.

I have gone into this matter at some length in order to give you a clear picture as to why the chairman of the Committee on the District of Columbia has come into this controversy. There is only one solution to the problem, and that is for the people of the District to have their own Representatives in Congress. I trust that this exposition of fact concerning the repeal of the "red rider" has helped to make the situation more clear to those of you interested in the problem.

I repeat again, during the long hearings held on the Sisson repeal bill not one bit of evidence produced could convince any fair-minded person that communism had ever been taught in the schools of Washington.

#### THE CIVILIAN CONSERVATION CORPS BRINGS MARKED IMPROVEMENT IN PHYSICAL CONDITION TO ENROLLEES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks and include correspondence between myself and Colonel Waldron, of West Virginia.

The SPEAKER. Is there objection?

There was no objection.



Mr. RANDOLPH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letters:

HEADQUARTERS, CHARLESTON DISTRICT, C. C. C.,  
Charleston, W. Va., April 21, 1936.

HON. JENNINGS RANDOLPH, M. C.,  
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: Have just run upon some figures which, knowing your high degree of interest in the C. C. C., I thought would be of particular interest to you. They relate to 207 enrollees who were sent to Camp P-55, Keith, W. Va., on July 22, 1935, and carry on to March 31, 1936, at which time 106 of the original personnel remained at that camp. Here they are:

1. Of the original 207 enrolled on July 22, 1935, 19 served 1 month each. Seventeen gained a total of 88 pounds, or an average of 4.42 pounds per man. The greatest individual gain was 14 pounds. Two lost weight, the maximum individual loss being 3 pounds.

2. Of the original 207 enrolled, 44 served 3 months each. Forty gained a total of 333 pounds, or an average of 7.57 pounds per man. The greatest individual gain was 21 pounds. Four lost weight, the maximum individual loss being 10 pounds.

3. Of the original 207 enrolled, 38 served 6 months each. Thirty-seven gained a total of 379 pounds, or an average of 9.97 pounds per man. The greatest individual gain was 28 pounds. One lost weight amounting to 2 pounds. He was a local experienced man past 50 years of age at enrollment.

4. Of the original 207 enrolled, 106 served 9 months each. One hundred and four gained a total of 1,499 pounds, or an average of 14.14 pounds per man. The greatest individual gain was 31 pounds. Two lost weight, the maximum individual loss being 17 pounds. Both of these were local experienced men past 50 years of age when enrolled, and one of them was 38 pounds overweight at date of enrollment.

To my way of thinking, the foregoing seems to justify the West Virginia maxim of "Feed 'em well; work 'em hard, and treat 'em fair."

With kindest personal regards, I am,  
Cordially yours,

W. H. WALDRON,  
Colonel, Infantry, Commanding.

APRIL 22, 1936.

Col. W. H. WALDRON,  
Commanding Officer, Civilian Conservation Corps,  
Charleston, W. Va.

MY DEAR COLONEL WALDRON: Replying to your informative and helpful letter of April 21, let me thank you sincerely for this information, disclosing as it does the splendid physical improvement made by the Civilian Conservation Corps' enrollees.

This worth-while program, in which the Army has played an important part and in which youth is given a helping hand, will continue, I feel sure, to merit general approval.

With deep appreciation for your fine aid and with kindest personal regards, I am

Most cordially yours,

JENNINGS RANDOLPH.

#### OMNIBUS CLAIMS BILL

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title XIV—(H. R. 3866. For the relief of Emanuel Bratses)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emanuel Bratses, a citizen of Philadelphia, Pa., the sum of \$5,000. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said Emanuel Bratses on account of loss of left leg, above the knee, due to an accident sustained in the Brooklyn Navy Yard on May 27, 1933, while the said Emanuel Bratses was engaged as a painter for Pamfils Contracting Co., a Maryland corporation of Baltimore, Md. Said accident was occasioned by the negligence of an employee of the United States Government who was operating a traveling crane, which ran over the leg (and body) of said Emanuel Bratses, necessitating the amputation of the left leg above the knee, as hereinbefore recited.

With the following committee amendment:

Strike out, beginning with line 5, down to and including line 20, and insert the following: "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of Emanuel Bratses for injuries and damages sustained in an accident in which he lost his leg at the Brooklyn Navy Yard, Brooklyn, N. Y., on May 27, 1933: *Provided*, That proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which said court has jurisdiction under section 145 of the Judicial Code, as amended.

The committee amendment was agreed to.

The title was amended to read as follows: "To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Emanuel Bratses."

The Clerk read as follows:

Title XV—(H. R. 3934. For the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period)

That the time within which suits may be instituted by Art Metal Construction Co., a corporation organized under the laws of Massachusetts, having its principal place of business in Jamestown, N. Y., against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for said period be, and the same is hereby, extended to October 1, 1935, and jurisdiction is hereby conferred upon the Court of Claims of the United States, and it is hereby authorized and directed to hear and determine on the merits any suit commenced therein against the United States prior to October 1, 1935, for the recovery of any overpayment of such taxes, any finding, determination, judgment, rule of law, or statute to the contrary notwithstanding.

And if it shall be found in any such suit that such tax has been overpaid, the court shall render final judgment against the United States and in favor of said taxpayer for the amount of such overpayment with interest at 6 percent per annum from the date of payment, such judgment to be subject to review by the Supreme Court of the United States as in other cases.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 19, line 7, strike out all of title XV.

Mr. COSTELLO. Mr. Speaker, this bill provides for a waiver of the statute of limitations in favor of the Art Metal Construction Co., in order that they may maintain a suit to recover taxes paid in the year 1918, which they allege are in excess of the amount lawfully due for that period. It appears that the claimant has filed suit for a refund in the district court of New York and an adverse ruling was made upon the case. It was then carried through the courts to the Supreme Court, and the Supreme Court again ruled against the claimant herein.

After denying a writ of certiorari in the case of this taxpayer the Supreme Court then granted such a writ to review other cases involving practically the same question—namely, whether or not a timely claim for refund in general terms could be amended to state a specific ground after the statute of limitations barred the filing of a new refund claim, but before the original claim was rejected by the Commission. After this decision of the Supreme Court the claimant herein filed an application to reopen this case which the Court did not grant; and the attempt here, then, is to allow this claimant, after many years, to present its case anew to the courts and obtain therefore a refund of this tax in the sum of \$41,000. My amendment moves to strike out this bill.

Mr. REED of New York. Mr. Speaker, I think the gentleman has made just as fair a statement as he could make under the circumstances. The fact remains, however, that this corporation employing many men and carrying a large pay roll during this depression paid in income and profits taxes for the year 1918, \$538,000; and in order to make sure they were paying enough they overpaid, according to the Commissioner of Internal Revenue, \$41,000. This company was so notified by the Commissioner of Internal Revenue.

There is not the slightest doubt that the Government now has \$41,000 that rightfully belongs to this taxpayer who has performed really a signal service by furnishing men employment during this depression and doing it out of its capital rather than its earnings. All they ask is the right to come into the Court of Claims. It is nothing but a technicality on the part of the Government. This taxpayer did everything within the range of human possibility and legal acumen to comply with the regulations of the Treasury Department, but unfortunately they were unable to satisfy the Treasury, not as to the legality of the claim, but purely upon a technicality in the form in which they filed their claim. They then had to resort to the courts, and step by step they went up through the courts, just as the gentleman from California states. Subsequently the Supreme Court in two other cases involving precisely the same questions decided in favor of the taxpayers. In the meantime



the Art Medal Construction Co. did ask for a writ of certiorari and the Court held simply that they had lost jurisdiction of the matter. The merits of the case remain precisely the same.

Mr. Speaker, we are sitting here not only as legislators but also as a party in interest and as judges. We are sitting as a court of equity, the last resort of the taxpayer to obtain that which rightfully belongs to him; and I hope this House, in view of the fact that the Government admits it is not rightfully holding this money but is standing upon just a mere thread of technicality, will say that the claimant may be permitted to go into the Court of Claims and establish his claim upon the merits of the case.

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. MEAD. The factory of this company is located in the western end of New York State. I am very familiar with the facts and the record, and I do not believe my colleague has exaggerated his statement one iota.

Mr. Speaker, I hope the amendment will be defeated.

The SPEAKER. The question is on the amendment of the gentleman from California.

The amendment was rejected.

JESSIE T. LAFFERTY

The Clerk read as follows:

Title XVI—(H. R. 4060. For the relief of Jessie T. Lafferty)

That the Comptroller General of the United States is authorized and directed to credit the account of Jessie T. Lafferty, postmaster at Perth, Kans., in the sum of \$330.53, due the United States on account of fixed credit funds, postage stamps, and postal funds which were lost as a result of a burglary August 22, 1931.

Title XVII—(H. R. 4079. For the relief of Garfield Arthur Ross)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Garfield Arthur Ross, of Chicago, Ill., the sum of \$5,000 in full settlement of his claim against the Government for personal injuries sustained as a result of subjecting himself to the required antityphoid serum injections during the spring of the year 1931, such injections having been administered by a Government doctor as a prerequisite to his admission as a trainee in the citizens' military training camp at Fort Sheridan, Ill.

Committee amendment:

Page 21, line 9, after the word "Illinois", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Strike out title XVII.

Mr. HANCOCK of New York. Mr. Speaker, the young man for whose benefit this bill was introduced was a candidate for admission to one of the C. M. T. C. camps in 1931. As a prerequisite he was required to take antityphoid serum. He had two injections of this serum, and after the second injection the young man was taken violently ill, sent to a hospital, and there found to be suffering a severe case of spinal meningitis.

The medical testimony in the case is that spinal meningitis cannot and does not follow as a consequence of injecting serum to protect against typhoid fever. The medical testimony is to the effect that there is a period of incubation of 2 or 3 weeks during which spinal meningitis develops; and the conclusion is that this young man at the time he took the injections was suffering from the early stage, the incubation stage, of spinal meningitis, and that he would have had spinal meningitis with or without the injections; that the injections he received had no connection whatever with his disability.

It also appears from the evidence that a great many other young men received this same vaccine, or serum, without any ill consequences whatever.

The man who gave the injections was an experienced physician. He administered the same injection to a great number of other applicants at the same camp without any illness following.

Mr. Speaker, it was a very unfortunate thing that this young man should become afflicted with this very serious disease, but there is no evidence it was in any way caused by any act or misconduct on the part of an agent of the Government.

I think it should also be called to the attention of the Members that under the general law there is no liability on the part of the Government for injuries or disabilities suffered by men attending C. M. T. C. camps, other than the requirement that they receive hospital care if they are injured at camp or in going to and from the camp. Their families are also entitled to some reasonable allowance for funeral expenses in case they are killed while at camp. If we want to go further than that I think a general law should be enacted. Nearly 40,000 boys go to these camps every year and some of them are injured but, so far as I know, none have ever received benefits of this kind.

Mr. Speaker, I have objected to a great many of these bills for the same reason that I objected to this one. This opens up a new source of expense to the Government. If the Congress believes that claims of this kind should be paid the proper committee should bring in a general law on the subject for consideration. I am very sorry for this boy, but there is no liability on the part of the Government toward this young man nor any precedent for paying such a claim, so far as I can learn.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The amendment was agreed to.

The Clerk read as follows:

Title XVIII—(H. R. 4942. For the relief of Patrick Henry Walsh)

That the Secretary of the Treasury is authorized and directed to pay to Patrick Henry Walsh, of Cliffside Park, N. J., out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in full satisfaction of all claims against the United States for damages on account of injuries resulting from being struck by a United States mail truck at Jersey City, N. J., on December 19, 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COSTELLO: On page 21, line 25, after "pay to" insert the words "the estate of" and amend the title to read "For the relief of the estate of Patrick Henry Walsh."

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COSTELLO: On page 22, line 2, after the words "sum of" strike out "\$3,000" and insert "\$1,500."

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. HOPE. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 21, line 22, strike out all of title XVIII.

Mr. HOPE. Mr. Speaker, this claim is made on account of alleged injuries to the claimant, Patrick Henry Walsh, who was struck by a mail truck while crossing a street at otherwise than a crossing intersection. The evidence shows that the mail truck which struck him was traveling at a rate of speed estimated to have been from 7 to 15 miles an hour. It was not traveling at an excessive rate of speed. It is shown further that the claimant was crossing in the middle of the block 28 feet from the regular crossing or intersection—in other words, jaywalking—and that he came out onto the street from behind a column or pillar so that he could not be observed by the driver of the truck in time to avoid the accident.

Mr. Speaker, I submit under these circumstances, with the contributory negligence of the claimant shown, there could not possibly create any liability against either the driver or the Government. Such a claim as this would not be asserted at all except against the Government of the United States. As a matter of fact, an action at law was brought by the claimant against the driver of the truck, but before the case came to trial it was dismissed by the claimant. He has chosen to pursue his remedy against the Government by having this bill introduced into the Congress. The claim is an old one. It has been pending in the Congress for a number of years. The accident dates back to 1924, some 12 years ago.

Mr. Speaker, I submit that under all the circumstances the Government of the United States should not be held liable in a claim of this kind.

Mr. McCORMACK. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, we had the experience just a few minutes ago of seeing a section stricken from the omnibus bill which concerned an individual. I would like to have heard the other side of that case. I am somewhat disturbed. I voted "no" because I did not know what the full facts were. The thought entered my mind whether or not the infection by the doctor was a contributing cause. What happened may not have been the cause medically, but it may have aggravated a pre-existing condition, or it might have lit up a dormant condition and there would be a moral responsibility. However, that is water over the dam. Another section is presented here which affects an individual, now dead. This individual cannot speak for himself. The distinguished gentleman from New Jersey [Mr. KENNEY], who introduced the bill, is unavoidably away from the floor on account of official business. I am speaking in his behalf. I am going to vote against the amendment. The amount has been reduced to \$1,500, the committee having made a favorable report in the sum of \$3,000. A moral obligation of the Government can only be paid through the medium of a private bill. There is no legal right to sue the Government. I can well understand why the case would be dismissed against the driver. The reason probably was because the driver had no money anyway. All of us who are lawyers have had cases of that kind at some time or other. Personally I never bring a case against a driver because he is a man who usually gets only a small salary. In the case of an employee of the city of Boston, I do not sue the man who drives the truck. What is the use? Of course, suit could be brought against him, but if I got a judgment what good would it be? What good would a judgment be in this case? The plaintiff should be commended for dismissing the case against the driver under the circumstances.

Mr. Speaker, the important fact is that the committee has reported this bill favorably, and as far as we are concerned the committee to which the bill is referred is the court, and I am going to accept the judgment of the committee.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HANCOCK of New York. May I ask the gentleman from Massachusetts if he has read the committee's report?

There are three witnesses to this accident. One is the gentleman who was injured, and the other two, I will confess, are perhaps as interested as he since they are employees of the Federal Government. The one man says he was in-

jured through the negligence of the employees of the Government, while the other two say he was jay walking 28 feet from the cross walk, stepped out from behind a pillar of the elevated railroad directly in the path of a slow-moving mail truck. How can the gentleman assume, as a matter of law, that the claimant is right and the Government employees are wrong, when the weight of the testimony is in favor of the Government?

Mr. McCORMACK. The committee is the one to weigh the facts.

Mr. HANCOCK of New York. These are the facts.

Mr. McCORMACK. A majority of the members of the committee reported out this bill after the able presentation of the evidence by the gentleman from New Jersey [Mr. KENNEY]. They heard the evidence, and we are sitting here now and cannot go into all the testimony, but there is a presumption in my mind that a report made by a committee is entitled to support unless I have controlling evidence to overturn such presumption.

Now, an amendment has been offered from the Democratic side reducing the amount from \$3,000 to \$1,500. The committee has reported the measure favorably, the committee heard the evidence and weighed all the facts. I recognize that some of us might receive the same facts, and they might impress us differently. However, whoever this gentleman is, he has gone into the great beyond. He cannot speak for himself. The committee received his evidence and they weighed the evidence and based upon the evidence of all the witnesses, the committee has reported out this bill in the sum of \$3,000, which has now been reduced to \$1,500.

I went along with the \$1,500 amendment, but I am going to vote against the amendment to strike out the bill entirely from this omnibus measure.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

The Clerk read as follows:

Title XIX—(H. R. 6661. For the relief of Maj. Joseph H. Hickey)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Joseph H. Hickey, United States Army, retired, the sum of \$3,880.28, in full settlement of all claims against the Government of the United States for a shortage in public funds due to irregularities in the accounts of a noncommissioned officer, now deceased, which officer was in charge of the commissary, New Orleans general depot, September 1920 to August 1921, and for which shortage Major Hickey has accounted to the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, a similar bill (S. 2741) became Private Act No. 388 in the Seventy-fourth Congress and was approved February 11, 1936, which was after this title was included in the bill. I therefore move to strike out the title, as the bill is already a law.

Mr. KENNEDY of Maryland. Mr. Speaker, that is agreeable to the committee.

The SPEAKER. Without objection, the title will be stricken from the bill.

There was no objection.

The Clerk read as follows:

Title XX—(S. 753. To carry out the findings of the Court of Claims in the case of the Wales Island Packing Co.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 to the Wales Island Packing Co. for the injury to the business and property of said company on Wales Island on account of the decision of the Alaska boundary tribunal, under which the possession of said island has passed from the United States to the Dominion of Canada, as found by the Court of Claims and reported in Senate Document No. 61, Seventy-second Congress, first session: *Provided*, That no part of the amount appropriated in



this act in excess of 20 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, or other party or parties, on account of services rendered in any way in connection with the presentation, passage, or collection of said claim or any part thereof. It shall be unlawful for any such agent or agents, attorney or attorneys, or others as herein provided, to collect, receive, exact, or withhold a portion of the amount appropriated in this act in excess of 20 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 24, line 2, after the word "company", insert "in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 24, lines 11 and 19, after the words "in excess of", strike out "20" and insert "10."

Mr. COSTELLO. Mr. Speaker, this amendment simply changes the limitation on the attorneys' fees from 20 percent to 10 percent, which is the customary amount allowed.

Mr. KENNEDY of Maryland. Mr. Speaker, it is agreeable to the committee to accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

Title XXI—(S. 788. For the relief of the International Mercantile Marine Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,400 to the International Mercantile Marine Co., to reimburse said company for penalties which were assessed and collected but not actually incurred under the immigration laws of the United States; and so found by the Circuit Court of Appeals for the Second Circuit on July 7, 1931 (51 Fed. (2d) 1053), the failure of said company to file suit within the statutory period of limitations for the recovery of said sum being hereby waived: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 25, line 6, after the word "company", strike out "to reimburse said company" and insert in lieu thereof "in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

The Clerk read as follows:

Title XXII—(S. 790. For the relief of the Compagnie Generale Transatlantique)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to the Compagnie Generale Transatlantique, to reimburse said company for penalties which were assessed and collected but not actually incurred under the immigration laws of the United States, and so found by the Circuit Court of Appeals for the Second Circuit on July 7, 1931 (51 Fed. (2d) 1053), the failure of said company to file suit within the statutory period of limitation for the recovery of said sum being hereby waived: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 26, line 8, after the word "Transatlantique", strike out "to reimburse said company" and insert "in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

The Clerk read as follows:

Title XXIII—(S. 921. For the relief of C. J. Mast)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. J. Mast, of Charlo, Mont., the sum of \$255 in full satisfaction of his claim against the United States for damages on account of injury to his crops in the years 1924 to 1928, both inclusive, by reason of breaks in a lateral dike in connection with the Flathead irrigation project: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 27, line 4, strike out all of title XXIII.

Mr. COCHRAN. Mr. Speaker, the amount is so small in this bill that I dislike to take up the time of the House, but there is a principle involved. The claim is for crops damaged over a period of several years.

The outstanding question is, Is Congress going to approve of claims for damages resulting from ravages by muskrats when the Government was exercising due care trying to eliminate such pests? There was no negligence on the part of the Government on the irrigation project.

All along the Mississippi River and in the Mississippi Valley people are demanding money from the Government because the improvements made in connection with flood-control projects, and so forth, have damaged property. They do not think of the benefits that accrue as a result of this work.

If you are going to approve of a bill of this kind, you are adopting a policy that might be very harmful in the future.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. KENNEDY of Maryland. Is the gentleman aware that the Secretary of the Interior approves of this bill?

Mr. COCHRAN. Yes; but, with all due respect to the Department of the Interior, the Department approves nearly all the bills reported from the gentleman's committee.

Getting back to my argument, I have on my desk at the present time a bill where a man in southeast Missouri wants about \$25,000 because of flood-control work. I have told him I am opposed to such legislation.

It is a very dangerous policy for Congress to adopt one that says the Government is going to pay damages on irrigation and flood-control projects.

Mr. KENNEDY of Maryland. The gentleman's statement that the Department of the Interior approves most of the bills sent to the Claims Committee I do not think is warranted. It disapproves many bills.

Mr. COCHRAN. The Interior Department has approved most of the bills before the Committee on Indian Affairs, bills of which it has no records. Why, they recommended two bills—Indian bills—and I brought the statutes before the House showing that Congress passed bills and paid the very claims years ago.

Mr. KENNEDY of Maryland. But we are dealing with claims before the Claims Committee, and not before the Committee on Indian Affairs.

Mr. COCHRAN. I realize that; but where they make mistakes before one committee, they will make others. I doubt if the Department considered the point I am making. If it did, I cannot agree. No doubt there was some little damage, but the Government certainly should not be held responsible for what the rats did when the Government was spending money trying to exterminate them. I repeat, the amount is very small, but others will point to this bill in asking that their claims be considered if the measure is agreed to.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. HANCOCK of New York. It has been stated that the Secretary of the Interior approves this bill. In that connection I call the attention of the gentleman to the fact that the Comptroller General very strongly disapproves of it, and states his reason in conclusive legal language.

Mr. COCHRAN. I intended to call the attention of the House to the Comptroller's views. I think we will be adopting a policy that we will regret in the future if you pass this bill. That is the only reason that I call it to the attention of the House, because it involves only \$255. The bill should be defeated. If it is not defeated, you practically say to thousands of others that you will approve bills for damages resulting from irrigation and flood-control projects.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next title.

The Clerk read as follows:

Title XXIV—(S. 998. To carry out the findings of the Court of Claims in the case of George Lawley & Son Corporation, of Boston, Mass.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$92,781 to the George Lawley & Son Corporation, of Boston, Mass., being the difference between the actual cost of the construction of two torpedo boats and the amount paid under the contract entered into for the building of said boats, as found by the Court of Claims and reported in Senate Document No. 135, Seventy-third Congress, second session: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 28, line 8, strike out the word "being" and insert "in full settlement of all claims against the Government of the United States for"; page 28, line 15, strike out the figures "10" and insert "20"; page 28, line 21, strike out the figures "10" and insert "20."

Mr. COSTELLO. Mr. Speaker, I ask for a separate vote on the committee amendments because of the fact that the second and third amendments, if agreed to, would increase the attorney's fees from 10 to 20 percent, which is contrary to our custom.

The SPEAKER. The question is on agreeing to the first committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the second amendment.

Mr. McCORMACK. Mr. Speaker, with reference to that, this bill affects a constituent of mine. I think the position of the gentleman from California is correct. Personally I would much prefer to see 10 percent rather than 20 percent.

The SPEAKER. The question is on agreeing to the second committee amendment.

The amendment was rejected.

The SPEAKER. The question now is on the third committee amendment.

The amendment was rejected.

Mr. HOPE. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 28, line 1, strike out all of title XXIV.

Mr. HOPE. Mr. Speaker, this bill purports to carry out the findings of the Court of Claims in the case of George Lawley & Son Corporation, of Boston, Mass. One would get the impression from that that the Court of Claims in this particular case had found in favor of this corporation. As a matter of fact, the Court of Claims found in favor of the

Government, and the conclusion of law made by the Court of Claims reads as follows:

Upon the foregoing special findings of fact, which are made part of the judgment herein, the court decides as a conclusion of law that the plaintiff is not entitled to recover and its petition is dismissed. Judgment is rendered against the plaintiff for the cost of printing the record herein, the amount to be ascertained by the clerk and collected by him according to law.

That conclusion of law is certainly justified by the findings of fact. In this case claimant entered into a contract with the Government for the construction of two torpedo boats, and this claim is for the excess between the contract price and the actual cost of the boats. It turns out that the company was not able to construct the boats for the contract price, but there is nothing in the record anywhere to show that this was in any way the fault of the Government of the United States or that it occurred by reason of any facts which was not within the knowledge or reasonable contemplation of the claimant at the time the contract was entered into. I do not know of any reason why those who contract with the Government of the United States should not be held to their contracts just the same as they would be held in the case of a contract between individuals. In this particular case the difference in the amount of the contract price and the excess cost is very largely accounted for by the fact that there were increases in the cost of materials, and that the claimant company had some labor trouble in its plant, and, although not required to do so by its contract, the Government did all it could to help that situation by extending the time in which the company could complete the boats, instead of claiming whatever forfeitures might have accrued to the Government by reason of the delay.

The findings of the court disclose that the Government in every possible way assisted the claimant company in ironing out its difficulties, and there is no evidence here that the Government failed to do that which it should have done, but it lived up to its contract, and whatever difference there was in the case is due entirely to causes which, if not within the control of the claimant company, should and could have been foreseen by it when it entered into the contract. Under these circumstances I do not believe that we should go back to a contract made in 1898 and pass a bill which has been buffeted back and forth in Congress between the House and the Senate and in and out of committees through all that long period of time and render a judgment for almost \$100,000 against the Government of the United States.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. McCORMACK. Mr. Speaker, the gentleman who has just spoken read only a portion of the complete report of the Court of Claims. He read what came under the heading of "Conclusion of law", but he failed to read the opinion upon which the conclusion of law was based.

The gentleman's statement of what the court said with reference to the conclusion of law is correct. Of course, we know they have no legal or equitable right, but they have a moral right. In the opinion, which is a part of the record, it was stated, "Plaintiff's claim for relief is therefore solely a matter for Congress."

Of course, it is a matter for Congress; but the Court of Claims investigated the facts and the Court of Claims found that the amount stated in this bill was the extra expenses incurred in connection with the building of the vessels. This extra amount was incurred as a result of the Government's own action in the main. The Government changed the specifications from time to time while these vessels were under construction.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOPE. Does not the report show that the claimant was compensated for those changes under the terms of the contract?

Mr. McCORMACK. Oh, no.

Mr. HOPE. I call the gentleman's attention to the report, on page 123.



Mr. McCORMACK. The Court of Claims went into this matter thoroughly.

Mr. HOPE. Will the gentleman yield further?

Mr. McCORMACK. Pardon me now. I only have 5 minutes.

This is the situation: The findings of the Court of Claims refer only to a legal right of recovery as plaintiff in a lawsuit. The only significance of the judgment of the court is that the claimant could not bring a suit for recovery. The congressional reference to the Court of Claims recognized that the company had no legal right of action to recover the amount of these losses. The Court of Claims was asked by Congress to find the facts, including the amount of the loss. It did so, and found it amounted to \$92,781. The court points out in its opinion that plaintiff's claim for relief is a matter for Congress.

That claimant should have relief from its loss has been, on several occasions, recommended by the Secretaries of the Navy, beginning with Secretary Long. These recommendations are based on report of the board of naval officers, known as the Ramsay Board, and upon the circumstances under which the claimant incurred this loss.

The same recommendations were made with reference to all of the companies building these boats, and in the case of the Fore River Shipbuilding Co., where similar findings were made by the Court of Claims in Congressional No. 15006, said findings were carried out by Congress by the passage of a bill similar to the Lawley bill, and the money appropriated thereunder has been paid to said Fore River Co.

Vessels of this design were new in our Navy at the time and the Navy Department, due to lack of technical knowledge of this type of vessel, made requirements as to displacement, design, and speed which could not be carried out without extensive changes in the original plans and specifications. These changes were made as the work progressed and several of them necessitated changes in materials used in the design of other portions of the vessels. The original plans of the contractor as to the method of attaching the engine to the hull had been rejected by the Navy Department which had insisted on the use of its own designs. After the vessels were partially completed these plans were abandoned, and the original suggestions of the contractor were adopted, adding to the cost.

As result of the changes and experimentation with the plans the claimant was required to have 24 preliminary trials on the *Blakely* and 16 preliminary trials on the *DeLong* which are much in excess of the usual number. After these trials were made the engine foundations on both vessels were required to be changed by the Navy Department.

The cost of construction of the vessels, due to the reasons given above, greatly exceeded what was anticipated by either of the contracting parties. The Court of Claims has found that the claimant did nothing to unnecessarily increase the cost. As the loss resulting from the increased cost from which the claimant seeks relief was in no instance due to any fault or miscalculation of the claimant, it should not be required to continue to bear this loss, which it has done with great difficulty for a number of years.

The United States received the benefit of the improved design and better materials of the completed vessels which weighed nearly 35 tons more than originally contracted for. The United States also received the benefit of the experimental work done with the vessels which has been of great value in subsequent constructions, as pointed out by the Secretary of the Navy.

This matter has been before the Court of Claims. The Court of Claims has found that this sum was expended by the claimant. It is a moral obligation. The Congress has paid other companies on similar claims in the past; other companies separate and distinct from this company. Congress has found in the past that this is a just claim. A legal technicality is now advanced. The court has properly said that it had no right as a matter of law to make a finding; that that was a matter for the Congress, because there was a moral obligation involved. That was just the same as the

case to which I referred a moment ago of the party who died. He has no legal case against the Government, but he had a moral case. There is a moral obligation on the part of the Government, and a private bill had to be filed. The Court of Claims has found that the amount stated in this bill was spent through no fault of the claimant. The only way it can be paid is through the filing and the passage of a private bill. The passage of this bill is necessary for the Government to meet a just moral obligation.

I hope the amendment will be rejected.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division there were ayes 27 and noes 32.

Mr. HOPE. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 150, answered "present" 1, not voting 160, as follows:

[Roll No. 75]

YEAS—117

Andresen	Cox	Johnson, Tex.	Patterson
Andrews, N. Y.	Crawford	Kloeb	Pearson
Arends	Crosser, Ohio	Kniffin	Peterson, Ga.
Ashbrook	Crowther	Lambertson	Pierce
Bacon	Deen	Lambeth	Polk
Barry	Dondero	Lanham	Ransley
Beiter	Doxey	Lea, Calif.	Reed, Ill.
Blinderup	Driscoll	Leibach	Robertson
Blackney	Driver	Lemke	Sauthoff
Blanton	Engel	Lewis, Colo.	Schneider, Wis.
Buchanan	Englebright	Lord	Secrest
Buck	Fish	Luckey	Seger
Buckler, Minn.	Fletcher	Ludlow	Short
Burdick	Focht	McClellan	Snell
Burnham	Ford, Miss.	McFarlane	Stefan
Cannon, Mo.	Fulmer	McGehee	Stubbs
Carlson	Gearhart	McReynolds	Taber
Carpenter	Gehrmann	Mahon	Taylor, S. C.
Carter	Gilchrist	Main	Terry
Castellow	Goodwin	Mapes	Thurston
Chandler	Gray, Ind.	Marcantonio	Turner
Cochran	Guyer	Martin, Colo.	Turpin
Coffee	Halleck	Massingale	White
Colden	Hancock, N. Y.	May	Whittington
Cole, N. Y.	Hess	Meeks	Wolcott
Colmer	Higgins, Conn.	Mechner	Woodruff
Cooley	Hollister	Millard	Young
Cooper, Ohio	Hope	Mott	
Cooper, Tenn.	Huddleston	Murdock	
Costello	Hull	Nelson	

NAYS—150

Bacharach	Goldsborough	Mitchell, Ill.	Sisson
Beam	Granfield	Monaghan	Smith, Conn.
Bland	Griswold	Norton	Smith, Va.
Boland	Gwynne	O'Brien	Smith, Wash.
Boylan	Hamlin	O'Connell	Smith, W. Va.
Brooks	Harlan	O'Connor	Snyder, Pa.
Brown, Ga.	Hart	O'Leary	Somers, N. Y.
Brown, Mich.	Healey	O'Neal	South
Caldwell	Hennings	Owen	Spence
Carmichael	Higgins, Mass.	Parsons	Sutphin
Cartwright	Holmes	Patman	Tarver
Casey	Houston	Patton	Taylor, Tenn.
Church	Imhoff	Perkins	Thomason
Citron	Jacobsen	Peterson, Fla.	Thompson
Creal	Jenckes, Ind.	Peyser	Tinkham
Crowe	Johnson, Okla.	Pfeifer	Tobey
Cullen	Johnson, W. Va.	Pittenger	Tolan
Curley	Jones	Plumley	Treadway
Daly	Kahn	Powers	Utterback
Dingell	Kelly	Rabaut	Vinson, Ga.
Disney	Kennedy, Md.	Ramsay	Vinson, Ky.
Dockweiler	Kenny	Randolph	Wallgren
Dorsey	Kerr	Reece	Walter
Doughton	Kinzer	Reed, N. Y.	Warren
Drewry	Kleberg	Reilly	Wearin
Duffy, N. Y.	Knutson	Richardson	Welch
Duncan	Kocalkowski	Robinson, Utah	West
Dunn, Pa.	Kramer	Rogers, Mass.	Whelchel
Eckert	Kvale	Rogers, N. H.	Willcox
Ekwall	Lesinski	Rogers, Okla.	Williams
Evans	Lewis, Md.	Russell	Willson, La.
Faddis	Lucas	Ryan	Wolverton
Flesinger	McCormack	Sanders, Tex.	Wood
Frey	McKeough	Schulte	Woodrum
Gassaway	McLaughlin	Scruggam	Zimmerman
Gildea	McMillan	Sears	
Gillette	Maas	Shanley	
Gingery	Maverick	Sirovich	

## ANSWERED "PRESENT"—1

Bankhead

## NOT VOTING—160

Adair	Dear	Hildebrandt	O'Malley
Allen	Delaney	Hill, Ala.	Palmisano
Amile	Dempsey	Hill, Knute	Parks
Andrew, Mass.	DeRouen	Hill, Samuel B.	Pettengill
Ayers	Dickstein	Hobbs	Quinn
Barden	Dies	Hoepfel	Ramspeck
Bell	Dietrich	Hoffman	Rankin
Berlin	Dirksen	Hook	Rayburn
Biermann	Ditter	Jenkins, Ohio	Rich
Bloom	Dobbins	Kee	Richards
Boehne	Doutrich	Keller	Risk
Boileau	Duffey, Ohio	Kennedy, N. Y.	Robison, Ky.
Bolton	Dunn, Miss.	Kopplemann	Romjue
Boykin	Eagle	Lamneck	Sabath
Brennan	Eaton	Larrabee	Sadowski
Brewster	Edmiston	Lee, Okla.	Sanders, La.
Buckbee	Elcher	Lundeen	Sandlin
Buckley, N. Y.	Ellenbogen	McAndrews	Schaefer
Bulwinkle	Farley	McGrath	Schuetz
Burch	Fenerty	McGroarty	Scott
Cannon, Wis.	Ferguson	McLean	Shannon
Cary	Fernandez	McLeod	Stack
Cavicchia	Fitzpatrick	McSwain	Starnes
Celler	Flannagan	Maloney	Stegall
Chapman	Ford, Calif.	Mansfield	Stewart
Christianson	Fuller	Marshall	Sullivan
Claiborne	Gambrill	Martin, Mass.	Summers, Tex.
Clark, Idaho	Gasque	Mason	Sweeney
Clark, N. C.	Gavagan	Mead	Taylor, Colo.
Cole, Md.	Gifford	Merritt, Conn.	Thom
Collins	Gray, Pa.	Merritt, N. Y.	Thomas
Connerly	Green	Miller	Tonry
Cornig	Greenway	Mitchell, Tenn.	Wadsworth
Cravens	Greenwood	Montague	Weaver
Crosby	Greever	Montet	Werner
Cross, Tex.	Gregory	Moran	Wigglesworth
Culkin	Haines	Moritz	Wilson, Pa.
Cummings	Hancock, N. C.	Nichols	Withrow
Darden	Harter	O'Day	Wolfenden
Darrow	Hartley	Oliver	Zioncheck

So the amendment was rejected:

The Clerk announced the following additional pairs:  
Additional general pairs:

Mr. Cary with Mr. Ditter.  
Mr. Rankin with Mr. Wadsworth.  
Mr. Parks with Mr. Wilson of Pennsylvania.  
Mr. McSwain with Mr. Culkin.  
Mr. Samuel B. Hill with Mr. McLean.  
Mr. Burch with Mr. Hoffman.  
Mr. Mead with Mr. McLeod.  
Mr. Dies with Mr. Risk.  
Mr. Miller with Mr. Lundeen.  
Mr. Ramspeck with Mr. Brewster.  
Mr. Fuller with Mr. Scott.  
Mr. Ayres with Mr. Shannon.  
Mr. Lamneck with Mr. Mason.  
Mr. Cravens with Mr. Harter.  
Mr. McGrath with Mr. Delaney.  
Mr. Richards with Mr. Hildebrandt.  
Mr. Darden with Mr. Adair.  
Mr. Bloom with Mr. Hook.  
Mr. Greever with Mr. Dobbins.  
Mr. Kopplemann with Mr. Cannon of Wisconsin.  
Mr. Maloney with Mr. Weaver.  
Mr. Starnes with Mr. Dempsey.  
Mr. Hill of Alabama with Mr. Tolan.  
Mr. Larrabee with Mrs. O'Day.  
Mr. Werner with Mr. Dietrich.  
Mr. Summers of Texas with Mr. Buckley of New York.  
Mr. Hancock of North Carolina with Mr. Merritt of New York.  
Mr. Cummings with Mr. Mason.  
Mr. Gasque with Mr. Sadowski.  
Mr. Elcher with Mr. Sandlin.  
Mr. Oliver with Mr. Gregory.  
Mr. DeRouen with Mr. Celler.  
Mr. Green with Mr. Cannon of Wisconsin.  
Mr. Dear with Mr. McGroarty.

Mr. JOHNSON of West Virginia changed his vote from "aye" to "no."

Mr. TINKHAM changed his vote from "aye" to "no."

Mr. TAYLOR of Tennessee changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The doors were opened.

The Clerk read as follows:

Title XXV—(S. 1036. Authorizing adjustment of the claim of Dr. George W. Ritchey)

That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Dr. George W. Ritchey in the amount of \$8,283.39 as loss sustained through the spalling and splitting of the original 40-inch mirror which was intended for installation under contract NOd-297, dated June 5, 1931, in a telescope at the United States Naval Observatory, and to allow not to exceed \$8,283.39 in full and

final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$8,283.39, or so much thereof as may be necessary, for payment of the claim.

Mr. COCHRAN. Mr. Speaker, this identical bill became Private Act No. 153 in the Seventy-fourth Congress, approved July 22, 1935. If the pending bill is enacted, it would authorize the payment of a claim already satisfied in full. I therefore ask to strike out title XXV.

Mr. KENNEDY of Maryland. Mr. Speaker, the committee has no objection.

The SPEAKER. Without objection, title XXV will be stricken from the bill.

There was no objection.

The Clerk read as follows:

Title XXVI—(S. 1062. For the relief of James R. Young)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James R. Young, successor to the Union Trust Co., of Raleigh, N. C., out of any money in the Treasury not otherwise appropriated, the sum of \$226.25 in full satisfaction of all claims for payment of premiums on policies of fire insurance written in 1918 by such Union Trust Co., covering certain goods of the value of \$245,000, more or less, while in the process of being laundered for the United States Army by the Model Laundry, of Raleigh, N. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title XXVII—(S. 1110. For the relief of A. Randolph Holladay)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to A. Randolph Holladay, the sum of \$11,172.15, with all interest due thereon, as a refund on income tax paid by A. Randolph Holladay, and which cannot be returned because of an agreement made between A. Randolph Holladay and the Treasury Department, on form no. 866: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Committee amendment:

Page 30, lines 19 and 20, strike out "with all interest due thereon, as" and insert "in full settlement of all claims against the United States for."

The committee amendment was agreed to.

The Clerk read as follows:

Title XXVIII—(S. 1846. For the relief of the estate of Anton W. Fischer)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the estate of Anton W. Fischer, late of Owatonna, Minn., the sum of \$275.98, under existing rules and regulations, said amount having been illegally collected from said estate, as stated by letter of the Commissioner of Internal Revenue dated February 7, 1923: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The SPEAKER. The question is on the engrossment and third reading of the bill (H. R. 8750) for the relief of sundry claimants, and for other purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## ART METAL CONSTRUCTION CO.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1138) for the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period, a companion bill to H. R. 3934, which was passed earlier in the day.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time within which suits may be instituted by Art Metal Construction Co., a corporation organized under the laws of Massachusetts, having its principal place of business in Jamestown, N. Y., against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for said period be, and the same is hereby, extended to October 1, 1935, and jurisdiction is hereby conferred upon the Court of Claims of the United States, and it is hereby authorized and directed to hear and determine on the merits any suit commenced therein against the United States prior to October 1, 1935, for the recovery of any overpayment of such taxes, any finding, determination, judgment, rule of law, or statute to the contrary notwithstanding.

And if it shall be found in any such suit that such tax has been overpaid, the court shall render final judgment against the United States and in favor of said taxpayer for the amount of such overpayment, such judgment to be subject to review by the Supreme Court of the United States as in other cases.

Mr. REED of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REED of New York: Page 2, line 1, strike out "1935" and insert "1936."

Page 2, line 5, strike out "1935" and insert "1936."

Mr. BLANTON. Mr. Speaker, will the gentleman explain the amendment?

Mr. REED of New York. When I introduced the bill I provided that suit could be brought not later than October of 1935.

Mr. BLANTON. This just changes the time?

Mr. REED of New York. That is all.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that the proceedings by which the similar House bill (H. R. 3834) for the relief of Art Metal Construction Co. was passed be vacated and that the bill be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## HILLSBORO AND WITHLACOOCHIE RIVERS, FLA.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9213) to provide a preliminary examination of the Hillsborough and Withlacoochee Rivers and their tributaries, in the State of Florida, with a view to the control of their flood waters.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, to ask the gentleman a question, as I understand, this is one of the routine matters they are taking up all over the country at the present time and it really entails no additional expense.

Mr. PETERSON of Florida. That is correct. It is purely a survey bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Hillsborough and Withlacoochee Rivers and their tributaries, in the State of Florida, with a view to control of their floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## THE TOBACCO COMPACT BILL

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 2, line 16, after "act", insert: "Provided further, That nothing in this act shall be construed to grant the consent of Congress to negotiate any compact for regulating or controlling the production of, or commerce in, tobacco for the purpose of fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation, but such consent shall be limited to compacts for the regulation and control of production of, or commerce in, tobacco in order thereby to enable growers to receive a fair price for such tobacco"; page 6, line 3, after "Wisconsin", insert "Massachusetts, Florida"; page 7, lines 9 and 10, strike out "the crop years 1933, 1934, and 1935" and insert "any 3 normal crop years during the last 10 years"; page 7, lines 16 and 17, strike out "the crop years 1933, 1934, and 1935" and insert "such crop years"; page 7, line 19, strike out "the crop years 1933, 1934, and 1935" and insert "such crop years."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to concur in the Senate amendments?

Mr. ANDRESEN. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina inform us the effect of the Senate amendments on the bill as it passed the House?

Mr. COOLEY. The House bill provided certain years to guide the Department in the allotment of a quota to Puerto Rico. In 1932 they had a hurricane in Puerto Rico that completely destroyed the tobacco crop and that was one of the years mentioned in the House bill. One of the Senate amendments strikes out this particular 3-year period and provides that any 3 normal years during the last 10 years may be used as a guide to enable the Department of Agriculture to fix the quota.

Mr. ANDRESEN. Does the amendment, then, permit Puerto Rico to enter into compacts with other States?

Mr. COOLEY. I understand it does permit Puerto Rico to enter into compacts with other States producing the same type of tobacco produced in Puerto Rico, that is the cigar-filler type of tobacco.

Mr. ANDRESEN. Does it give the Secretary of Agriculture the right to determine the allocations of production of tobacco in Puerto Rico?

Mr. COOLEY. It is my understanding that provision is left just as it passed the House.

Mr. ANDRESEN. Will the gentleman explain to the House the effect of the provision inserted by the Senate relating to monopolies created by compacts?

Mr. COOLEY. I suppose the proponent of the amendment had in mind the possibility of the compacts controlling tobacco to the extent it might result in a monopoly.

This provision will prevent that. It also seeks to prevent the unreasonable exercise of the powers which are to be exercised by the compact States and limits the consent of Congress to the compact States to control and regulate the production of tobacco only to the extent it may enable the growers to receive a fair price for the tobacco they produce. I understand further there is a Senate amendment which adds the State of Massachusetts.

Mr. ANDRESEN. Does the gentleman anticipate this compact will be in effect for more than 1 year?

Mr. COOLEY. That will depend, of course, upon the experience this year. It is not definitely certain it will be in existence this year. The States of North and South Carolina will have to pass acts similar to the act passed by the General Assembly of Virginia, and whether or not these States will act I am not in position to say at this time. However, I do hope they will act immediately so that the 1936 crop of tobacco may be controlled.

Mr. ANDRESEN. They will have to act pretty quickly.

Mr. COOLEY. Yes; that is the reason we are anxious to have this bill passed as soon as possible.

Mr. SNELL. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from New York.

Mr. SNELL. As I understand from the explanation that has been made, there are only slight changes in terms and there is nothing that materially changes the effect and purposes of the bill?

Mr. COOLEY. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### SOUTH DAKOTA DEMOCRATIC CLUB

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short address which I made before the members of the South Dakota Democratic Club of Washington.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, under unanimous consent I insert in the RECORD a speech I delivered before the South Dakota Democratic Club of Washington, Monday evening, April 20, 1936.

Mr. President and members of the South Dakota Democratic Club of Washington, I want to congratulate you on the excellent organization you have effected of South Dakota Democrats living in the National Capital. I hope that it will increase in membership, and gain in strength and influence. In addition to comprising Democrats from our home State who are employed by the Government, I trust that it will expand so as to include South Dakota Democrats otherwise employed here.

In this connection, a thought occurs to me that I believe deserves emphasis. It concerns this much used and sometimes misunderstood word, "patronage." There has been so much humor—as well, at times, so much criticism—regarding patronage, that it is worth while to make sure that the word is better understood and explained. It is a serious mistake to look upon those who come to Washington from other parts of the country and receive Government appointments as being beneficiaries of favoritism and wirepulling. Their positions must not be considered "snaps." On the contrary, occupants of these appointments must possess ability, sincerity, loyalty, and honesty. The pay is generally substantial, but consistent work is required; and it cannot truthfully be said that any of the positions are "snaps." Most or all of you who hear me will agree that you have to render fair service in your various places.

An important phase of Federal appointments here is that they enable the appointees to take advantage of opportunities for education and research that they could not enjoy in any other city of the United States, except perhaps a few of the larger municipalities such as New York, Chicago, San Francisco, or Detroit. In some respects Washington is entirely unique. The Library of Congress has no equal the world over in the number of its books and the range of subjects they cover, except perhaps the library of the British Museum in London. The Washington Public Library and its numerous branches are also splendidly equipped.

The art galleries, scientific centers, and other institutions of culture and learning here are as a rule unexcelled. Many are the Government employees who utilize their spare hours after the workday in studies and research in these libraries, museums, and other institutions, or in the city's splendid schools and colleges. They are able to earn comfortable livings, to have pleasant quarters, and at the same time to gain educations that would be beyond their reach in almost any other city. A large percentage of them make full use of these fine opportunities. Those of you who hear me tonight can confirm my assertion. As an interesting example I may call attention to the number of elevator operators and Capitol policemen who in odd moments may be found poring over law books and other textbooks. Many times I have seen them deep in studies that would tax the minds of older persons. And often I felt proud of the part I had in enabling them to have

such opportunities. I was glad to have been able to render such a service—to have helped place them where they might not only have good incomes and live well but acquire the priceless possession of broad knowledge.

In addressing Democrats it is not necessary to stress the grandeur and nobility of the philosophy of Democracy. It is because we recognize this that we are Democrats. We belong to the great party of Thomas Jefferson, Andrew Jackson, William Jennings Bryan, and Franklin D. Roosevelt because it embodies the hopes, aspirations, and ideals of humanity—because it is devoted to human rights and liberties as distinguished from the greed and selfishness of exploiters and profiteers. While we look with pride on the record of our party, we must at the same time recognize our deep responsibility and duty—the duty of keeping the party true to its principles and preventing what President Roosevelt characterizes the "forces of entrenched greed" from gaining control of it. Only rarely has the party drifted away from these principles. But the corrupt and insidious elements that thrive on legalized robbery and corruption are always active. They dominate the Republican Party and have done so almost from the moment of the death of Abraham Lincoln. They would dominate the Democratic Party also if they could—and in a few unfortunate instances they have succeeded. Happily in these days they have no prospect of success, although all of us know how bitterly and savagely they have assailed the President and other champions of Democracy that is really liberal, human, and progressive.

A week ago today was the anniversary of the birth of Thomas Jefferson. Let us take new inspiration from the glorious example of the founder of our party, and pledge ourselves to adhere at all times to the immortal doctrines he wrote in the Declaration of Independence and practiced throughout his life.

#### EXTENSION OF REMARKS

Mr. CASEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement setting forth the procedure in the selection of postmasters.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHENER. Mr. Speaker, reserving the right to object, may I inquire what it is the gentleman wishes to insert in the RECORD? Procedure by whom?

Mr. CASEY. By the Civil Service Commission. I have submitted this to the Civil Service Commission and they have given their approval. Instead of answering these inquiries by a long letter, I am going to send a copy of what I insert in the RECORD.

Mr. MICHENER. If the gentleman wishes to insert the procedure in reference to the selection of postmasters, he should, of course, include the procedure after the eligible list has been sent to the Post Office Department.

Mr. CASEY. That is correct.

Mr. MICHENER. This statement explains fully the persons contacted by the Department after the list of three has been submitted by the Civil Service Commission and before the recommendation is made to the President?

Mr. CASEY. It states it as fully as I know the procedure.

Mr. MICHENER. From whom did the gentleman get the information?

Mr. CASEY. From the Civil Service Commission.

Mr. MICHENER. The Civil Service Commission does not have the information, I take it, in reference to the action taken after the list reaches the Post Office Department. I shall not object, and, on the contrary, be very glad to have the gentleman insert the procedure, but I will object unless he inserts the procedure followed by the Post Office Department after the list of three eligibles is submitted.

Mr. VINSON of Kentucky. Does the gentleman from Michigan feel he should tell the distinguished gentleman from Massachusetts what he should insert in the RECORD in connection with a matter of this kind?

Mr. MICHENER. Yes; I do. If any of the procedure is given, all should be given.

Mr. VINSON of Kentucky. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHENER. Mr. Speaker, I object.

Mr. KENNEY. Mr. Speaker, I make the point of order that the objection comes too late.

The SPEAKER. The Chair does not think so. The gentleman from Michigan reserved the right to object.



Mr. KENNEY. I understood the request was granted when the gentleman from Michigan rose in the rear of the Chamber and started asking some questions.

The SPEAKER. The Chair thinks, perhaps, technically the gentleman may be correct, but the Chair does not wish to be too technical in the matter. The point of order is overruled.

#### SERGEANT BOIKO, THE REAL HERO

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Connecticut. Mr. Speaker and Members of the House, yesterday there was buried in Arlington National Cemetery one of the greatest heroes of the late war, Sgt. Michael Boiko. He was not so well known as some others perhaps, but was surpassed by none in bravery and devotion to duty.

Born in Russia, Sergeant Boiko came to this country as a youth and enlisted in our National Guard before he had finally qualified for citizenship. He served on the Mexican border in 1916 with the Connecticut National Guard and went to France with his unit, then part of the Twenty-sixth Division, in September 1917.

Through all the major engagements up to the armistice the division fought and through it all the bravery of Sergeant Boiko stands out. In one advance he volunteered to attempt to silence a machine-gun nest which was holding up the advance of his company, and, crawling forward alone, under heavy fire, he put the nest out of action, although armed only with his pistol.

On another occasion in an advance, after all his officers were killed or disabled, he took command of his company and continued to advance until there were left alive only 19 men of the 150 he started with. On different occasions he was gassed, his eyesight damaged by shell fragments, and his side pierced by machine-gun fire.

Our own and allied Governments decorated him with various citations and medals, including the Distinguished Service Cross, the Croix de Guerre, the Purple Heart, and the Silver Star. I quote from the citations which accompanied his decorations:

#### DISTINGUISHED SERVICE CROSS CITATION

Michael Boiko, former sergeant, One hundred and Second Infantry, Twenty-sixth Division: For exceptional heroism in action at Marcheville, September 26, 1918. When the advance of his company was temporarily halted by machine-gun fire, Sergeant Boiko volunteered to flank the nest and put the guns out of action. Although under intense fire, Sergeant Boiko, utterly disregarding his own personal danger, crawled out from the lines and worked his way to a favorable position where enfilade fire could be delivered and with his pistol silenced the guns, capturing them and a portion of the enemy gun crews, thus enabling his company to make further advance.

#### THE SILVER STAR CITATION

For gallantry in action near Bois de Ormont, north of Verdun, October 23 and 29, 1918.

#### THE PURPLE HEART CITATION

For wound in action July 22, 1918.

#### FRENCH CROIX DE GUERRE WITH PALM

He always displayed the greatest bravery. On October 25, 1918, in the Reine Wood, Verdun, having taken command of the company when the officer was wounded, he continued to lead the attack until all his men were either killed or disabled.

But, after the war, Sergeant Boiko found himself in a world which no longer wanted him. Partly disabled, not enough to receive compensation sufficient to support himself, his wife, and child, but disabled enough to prevent his obtaining employment in these hard years, he could see but one way out. His death would at least give his wife and child the benefit of his small amount of insurance.

The coroner's verdict was suicide.

The Veterans' Administration considers suicide misconduct and refuses pension to the widow of the veteran in such cases.

Mr. Speaker, the service of this Nation, the defense of his adopted country, caused the death of Sergeant Boiko just as surely as though it had occurred on one of the many battle-

fields where he fought so bravely. If the interpretation of the present law will not allow the payment of pension to his dependents, the law or its interpretation must be changed so that relief will be granted in these cases.

#### A WEST POINT FOR THE CIVIL SERVANT

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DISNEY. Mr. Speaker, I offer as an extension of my own remarks an article by me appearing in the Christian Science magazine section on April 8 entitled "A West Point for the Civil Servant":

Feudalism, dueling, witchcraft, human slavery have gone by the board. We thought our way out of them. A few of our superstitions, too! It is inconceivable that we may, and inevitable that we must, think our way out of bigotry, hatred, war, and depression. Even the cynics would concede that the effort to do so is worth while—that there is glory even in trying.

The battle plan is not necessarily one of armies, navies, or air forces; mental and moral cooperation for a better world order is the prime requisite. From principle has flowed the world's mental progress, and from principle it will still proceed.

All over the land the cry has gone up for better service. Training for public service! For the Nation and the world! How noble and comprehensive it sounds! How can we apply it with wisdom and patience to the daily needs of people and nations? What practical suggestions offer to breast the opposition to things new and out of the regular channel?

The doctor, the lawyer, or the engineer is expected to undergo a long period of training before he practices his profession. The plumber, the carpenter, the bricklayer is expected to serve an apprenticeship before he is master of his trade. In this age of specialization the craftsman or the professional man, to be respected in his line, must qualify by training and experience. Before he can regularly engage in his occupation he must undergo intensive preparation. Complexity requires such skilled training, and all concede its desirability and its necessity.

But, through some strange and unaccountable quirk of the public mind, such reasoning does not apply to those engaged in public service. All sorts of obstacles stand in the way of the development of the profession of civil servant. The slow and expensive school of hit-and-miss experience has trained (or not trained) too many public officials. We have used the trial-and-error method—trial while one administration has been in office and error of the individual's being swept out later by the spoils system. For instance, local elections often turn on the supposed convictions of the candidates with regard to, say, war debts, the tariff, the League of Nations, prohibition, and other matters unrelated to the proper selection of the elective or appointive officer. Fitness is often forgotten.

The Army has its West Point and the Navy its Annapolis for the training and education of two of the most highly respected and efficient personnels to be found anywhere in the world. It is economic good sense to have similar and comparable training and education for those who administer our domestic affairs and treat the diplomatic issues abroad.

No system of training is found in our governmental scheme of things for the diplomatic and administrative career service comparable to the specialization for force on land and sea, exemplified by West Point and Annapolis. Incredible! But it is not enough to inquire why, but to point out how the lapse may be rectified.

I have proposed a national academy of public affairs to be located at Washington, the nerve center of the Government of the Nation.

West Point and Annapolis are world-wide in their implications and acceptance. The military leaders on either side of our only Civil War were graduates of West Point. In the World War a West Pointer commanded the Army, and Annapolis produced the admirals. The academy of public affairs, had it been established a few generations ago, conceivably would have produced the diplomatic brains for our part in the World War.

By the terms of the bill introduced by the writer (H. R. 11225) there would be established in Washington, where the Father of his Country visualized a great American university, a national academy of public affairs. Its function would be the education of young Americans in diplomatic and administrative career service—specialized civil servants. The school would be free of charge, coeducational, nonsectarian, and nonpartisan, operated by a board composed of certain Cabinet members; namely, the Secretaries of State, Treasury, Interior, Commerce, Agriculture, and Labor.

The Cabinet members, while politically selected, have almost uniformly in the last half century been appointed by reason of their attainments in various walks of life. Without exception, the Presidents of both political parties have sought to rise above party politics in the selection of their intimate advisers in the Cabinet. So the board of supervisors for the academy would be composed of outstanding American citizens with a broad comprehension of the needs of the Nation. This board would select the faculty, officers, would prescribe the course of study, entrance requirements, and regulate the conduct of the academy. It would



also determine whether the school should be a postgraduate institution, and fix the term required for graduation.

The general idea is to create an institution for metaphysical purposes, comparable in plan, form, and intentment to Annapolis and West Point, which are so high in public esteem in America and the world. Young America clamors for the honor and recognition of appointments to these two academies. Young America's parents are proud to have the honor conferred upon their sons. Visualize expectant American youth eager to enter the national academy of public affairs, an institution not of force but of mental defense.

The courses of study would, of course, be developed as the institution grew in public opinion and experience. It would be logical to anticipate that the curriculum would include language, history, and Government. Economic history, sociology, international law, the structure and functions of Government, both domestic and foreign, would naturally have a place. Political history, the study of political parties, statistics, the principles of public administration, and finance, also, social and economic planning, Government accounting, public-welfare administration, diplomatic study of public opinion, and world trends of civilization, modern, medieval, and ancient, would properly come within the range of study prescribed for students at the academy.

The selection of the students by the President, Senators, and Congressmen is provided. It cannot properly be said there is any political taint in that system. It has been in vogue for generations in the selection of candidates to West Point and Annapolis, and has been uniformly successful, producing a high order of scholarship. It guarantees a broad cross-section of the whole population of the States better than any other plan would or could. This tested means of selection has general public approval—it would not seem wise to deviate from such a plan. It has a historic background of national acceptance.

Why spend the public money in this manner? Why are not the endowed colleges and State universities doing or capable of doing the same training contemplated by the academy? There is a quick answer—we have many military academies in America—yet none of them approach the standing of West Point. The R. O. T. C. units in the college can never hope to compete with the Military Academy. West Point and Annapolis represent "the Government." National and world opinion would favorably receive an official institution and its graduates; it has been slow to accept the private or State institution and its product for the particular capacity under discussion. Training for "the Government" should be training by "the Government." The civil servant who would graduate from the academy would receive recognition the world over, because of the very fact that his training came under the direction of the Nation itself. In 150 years of national life, no college, no matter how popular it may have become along other lines, has achieved any considerable or outstanding reputation for the training of the civil servant.

The location of an academy of public affairs in Washington would assure the student ample contact with the realities of government and administration, and prevent overemphasis of the theoretic and academic. It would open up a large and highly important field to able young people. Thousands would dedicate their lives to the ideals which the institution would represent. Changing social conditions require new means of attacking new problems; changing world conditions justify another look in the direction for the public service. From the broad cross section of American life, from which it would be selected, the student body would represent imagination and foresight coupled with native ability, broad training and discipline in judgment, initiative, decision, foresight, and expression which would give the academy and its graduates a high place in thoughtful public opinion in America and in the world.

It should be one more nail in the coffin of the spoils system. The realist as well as the idealist should approve. Each administration has its "brain trusters" whose work is crippled by the political shafts aimed at them. Conceivably, we might by this movement, amongst others, develop an administrative personnel that would obviate the need to draft dollar-a-year men or "brain trusters" when serious emergencies arise.

Our Diplomatic Service is remarkably lacking in career-service personnel. To say the least, graduates of the academy of public affairs would have special training to fit them for the diplomatic service, and from that should grow outstanding examples of trained and poised American diplomacy. It has been said that America never lost a war nor won a conference. The day must come when she must attain success in the field of diplomacy as she has in war and in business.

Graduates of the institution would not necessarily remain in the service of the Federal Government. All graduates of the Naval and Military Academies do not. Many of them would likely enlist in the rank of municipal and State governmental service. Their training would make them desirable. There are foreign fields to which they might attain. We might even elect some of them to Congress or to governorships.

Fifteen hundred scholars run the British Government. The British civil service, impervious to politics, and by law forbidden to participate therein, has attained such a high standing that it is an insult to assert its integrity. Britain has arrived at this stage by slow and painful progress, when we think of the parliamentary corruption of, say, the time of the Pitts. America will, of course, come into her own in that regard, but the outstanding reputation of the academy would bring us to that stage decades sooner than otherwise, because in a few years it would be so entrenched in the hearts and minds of the American people that

its atmosphere and its graduates would be accepted not only in America but the world over. It would soon couple the practical with the sentimental.

We are evidently undergoing a renaissance of political thought in America. One achievement of this renaissance might conceivably be the establishment of the national academy of public affairs. The end sought is not the education of human robots but leadership in the inevitable new world order.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SHANNON, indefinitely, to attend funeral of a friend.

To Mr. ROBSON of Kentucky, indefinitely, on account of illness.

To Mr. LARRABEE (at the request of Mr. GRISWOLD), indefinitely, on account of important business.

To Mr. ELLENBOGEN, for 3 days, on account of illness in family.

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

Mr. CASEY. Will the gentleman withhold that for a moment?

Mr. BANKHEAD. I withhold the motion so that the gentleman may submit a request.

#### PROCEDURE IN THE APPOINTMENT OF POSTMASTERS

Mr. CASEY. Mr. Speaker, I renew my request to extend my remarks in the RECORD and to include therein a statement setting forth the procedure in the selection of postmasters.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing a statement of his own relative to the appointment of postmasters. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I objected a moment ago because I asked the gentleman making the request whether or not he set forth the complete procedure followed by the Post Office Department after a list of three eligibles is submitted to the Post Office Department. He now states that the complete procedure is included, and the gentleman has shown me the statement which he desires to insert. It would appear that the procedure following the examination and after the names have been submitted to the Post Office Department is stated in full; therefore, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CASEY. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I include the following facts which applicants and others who are interested in the appointment of postmasters should know:

#### CLASSES OF POST OFFICES

Post offices are divided into four classes: First, second, third, and fourth.

The fourth class are those offices where the business does not warrant a salary of \$1,100 a year and where the postmasters are paid compensation dependent upon the stamp cancellation in the office.

The third class are those offices where the salary paid is \$1,100 to \$2,300 per year, inclusive.

The second class are those offices where the salary is \$2,400 to \$3,100 per year, inclusive.

The first class are those offices where the salary is \$3,200 per year and above.

All appointments of postmasters of the first, second, and third classes are made by the President and are subject to confirmation of the Senate.

#### EXAMINATION OF APPLICANTS

The method of selecting these postmasters has been set forth in an Executive order issued by the President, dated July 12, 1933.

Briefly stated, this Executive order provides that post-office appointments shall be made in the following manner: When a vacancy occurs, notice of an examination in published



and all applicants must file, on or before a given date, an application with the United States Civil Service Commission. An examination and investigation is then conducted by the United States Civil Service Commission. Thereafter the United States Civil Service Commission certifies to the Post Office Department not more than three eligibles, which means the three applicants who receive the highest ratings in the examination conducted by the Civil Service Commission.

No applicant, however, can be considered eligible unless he has received a passing mark of 70 percent. If only one or two applicants have received a passing mark of 70 percent, then it may be possible for only one or two eligibles to be found in a given examination. The rule for certifying three eligibles applies where three or more have passed the examination, and in such a case the three highest are the eligibles submitted by the United States Civil Service Commission.

These examinations and investigations are conducted impartially without personal or political influence of any character.

In the case of postmasters for the first- and second-class offices, the Civil Service Commission, in addition to the requirement that each applicant file a comprehensive questionnaire, conducts a careful inquiry through the leading patrons of the post office as to the standing, as a representative citizen, of each applicant. This examination consists of obtaining information as to the extent of his acquaintanceship with the community, its problems, and its citizens, his influence and activities in the community, and the opinions of business men as to his character and ability—in a word, to learn the representative character of his citizenship.

In addition the questionnaire inquires carefully into the extent the applicant has had experience of an administrative character. It is the view of the United States Civil Service Commission that postmasters for first- and second-class offices should be not only representative citizens of the community but should have established a reputation for personal integrity, financial stability, and have had actual experience in an administrative capacity. Therefore, inquiries are made as to whether or not and how many persons have been employed by the applicant, what kind of business he has conducted, his experience in managing employees in order to protect the public against infractions of the discipline provided for postal employees, his knowledge of keeping bank accounts and records, and of the preparation of statements—financial, statistical, and so forth. After a survey of all these factors is made, each applicant is given a rating, and the three highest eligibles are certified to the Post Office Department.

As to postmasters of the third class, a somewhat different examination is conducted. In the third class it is assumed that the postmaster must be his own clerk, distributor of the mail, and perform the general duties within the post office. Therefore a written examination is conducted to test the training and clerical ability of each applicant for the purpose of finding out his mental capacity to perform the clerical and supervisory duties of the office. A third-class office may have no employees except the postmaster and a clerk, and therefore the postmaster must keep the records and perform practically all the other duties. It is not necessary to have more than a good general education in order to qualify. If one receives less than a passing mark in this class, it is a determination that he has not the capacity to perform efficiently the duties of the office, although he may or may not have received a majority of favorable reports as to his reputation and standing from those in the community where the post office is located.

#### FOURTH-CLASS OFFICES

Fourth-class postmasters come within the competitive classified civil service. On October 15, 1912, the President issued an order classifying under the Civil Service Act and rules fourth-class postmasters not theretofore so classified. That order was amended by the President on May 7, 1913 and

again on June 3, 1921. The order, as amended, requires that all appointments (except those in Alaska, Canal Zone, Guam, Hawaii, Philippines, Puerto Rico, and Samoa) at fourth-class offices where the compensation is \$500 a year or more shall be made from certification after examination by the Civil Service Commission; provided, that in the event there are fewer than three applicants the Commission may, in its discretion, authorize selection in the same manner as provided for offices with annual compensation of less than \$500. Where the compensation is less than \$500, all appointments shall be made on the recommendation of post-office inspectors after personal investigation, subject to prescribed regulations.

#### PROCEDURE FOLLOWING EXAMINATION

After the eligibles are certified by the Civil Service Commission to the Post Office Department, that Department is then ready to receive recommendations before making its nomination to the President. Usually recommendations from the Congressmen and Senators of the same political faith as the administration are invited. In turn Senators and Congressmen usually ask for recommendations from local committees, organizations, and citizens.

It should be borne in mind that no amount of personal or political influence is of any avail to a candidate until after the civil-service examination is reported, and even then no amount of personal or political influence will aid any candidate unless he is one of the three highest eligibles. The President has stated through his Executive order that he will appoint one of these three eligibles, someone from the classified civil service or the present postmaster. If the present postmaster is reappointed no further examination is necessary. If a person in the classified service is selected, such person must first be found eligible in a noncompetitive examination given by the Civil Service Commission.

The civil-service examinations give applicants an opportunity to meet the standards and requirements which the President has fixed for the guidance of the Civil Service Commission and as preliminary to receiving an appointment. These civil-service rules and regulations are a part of the Presidential order. While there have been some slight changes in them, in substance they are the same rules and regulations that have guided the appointments of postmasters since the latter part of the Wilson administration. Previous to that time the appointments of postmasters were made without any civil-service examination being required, the appointments being chiefly upon political recommendations.

#### AGE AND RESIDENCE QUALIFICATIONS

No one over 66 years of age and no one who has not been an actual resident patron of the post office—not necessarily a citizen of the township where several post offices are located—for 1 year before filing application, is eligible to compete in examinations.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 35. Concurrent resolution to provide for the printing of the revised edition of the Constitution of the United States of America (annotated); to the Committee on Printing.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 4387. An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Backstrom.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3258. An act to amend section 304 of the Revised Statutes, as amended.

S. 3395. An act to authorize the acquisition of the railroad tracks, trestle, and right-of-way of the Gulf Power Co. at the naval air station, Pensacola, Fla.;

S. 3413. An act to give effect to the convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes;

S. 3669. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 3720. An act to authorize the Secretary of the Navy to accept on behalf of the United States the bequest of the late Henry H. Rogers, and for other purposes; and

S. J. Res. 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes.

#### ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned until tomorrow, Thursday, April 23, 1936, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

802. A letter from the chief examiner of the United States Civil Service Commission, transmitting a schedule of useless papers in the files of the Commission in Washington and in certain field offices which are not needed in the transaction of public business and which are of no permanent value or historic interest, with the request that appropriate action be taken to enable the Commission to destroy the papers described; to the Committee on Disposition of Executive Papers.

803. A communication from the President of the United States, transmitting for the consideration of Congress supplemental estimates of appropriations for the Treasury Department for the fiscal year 1936, \$71,000, and for the fiscal year 1937, \$265,000,000, amounting in all to \$265,071,000, together with a draft of a proposed provision pertaining to an existing appropriation (H. Doc. No. 471); to the Committee on Appropriations and ordered to be printed.

804. A communication from the President of the United States, transmitting for the consideration of Congress a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1936 amounting to \$24,000, together with a draft of a proposed provision pertaining to an existing appropriation (H. Doc. No. 470); to the Committee on Appropriations and ordered to be printed.

805. A communication from the President of the United States, transmitting for the consideration of Congress estimates of appropriations for the Social Security Board for the fiscal year 1937 amounting to \$195,800,000, inclusive of amounts required for the remainder of the current year (H. Doc. No. 472); to the Committee on Appropriations and ordered to be printed.

806. A communication from the President of the United States, transmitting for the consideration of Congress a proposed provision pertaining to existing appropriations for the Navy Department for the fiscal year 1936, to authorize transfers, aggregating \$24,000, from certain appropriations to the appropriation for the maintenance and operation of the naval training station at Norfolk, Va. (H. Doc. No. 473); to the Committee on Appropriations and ordered to be printed.

807. A communication from the President of the United States, transmitting for the consideration of Congress supplemental estimates of appropriations for the Federal Trade Commission and the General Accounting Office for the fiscal years 1936 and 1937, amounting to \$509,000 (H. Doc. No.

474); to the Committee on Appropriations and ordered to be printed.

808. A communication from the President of the United States, transmitting, for the consideration of Congress, a supplemental estimate of appropriation for the Executive Office for the fiscal years 1936 and 1937, amounting to \$78,000 (H. Doc. No. 335); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS: Committee on Public Buildings and Grounds. H. R. 12076. A bill for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site; without amendment (Rept. No. 2477). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. S. 1379. An act to amend section 103 of the Code of Criminal Procedure for the Canal Zone and section 542 of the Code of Civil Procedure for the Canal Zone; with amendment (Rept. No. 2478). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT of New York: Committee on Military Affairs. S. 3737. An act to authorize the Secretary of War to acquire by donation land at or near Newburgh, in Orange County, N. Y., for aviation field, military, or other public purposes; without amendment (Rept. No. 2479). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETTE: Committee on Foreign Affairs. House Joint Resolution 499. Joint resolution authorizing and requesting the President to extend to the Government of Sweden and individuals an invitation to join the Government and people of the United States in the observance of the three hundredth anniversary of the first permanent settlement in the Delaware River Valley, and for other purposes; without amendment (Rept. No. 2480). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CARPENTER: Committee on Indian Affairs. H. R. 12408. A bill for the relief of Robert D. Baldwin; without amendment (Rept. No. 2481). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3516) for the relief of Alice D. Hollis; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (S. 3692) for the relief of William T. J. Ryan; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (S. 4135) for the relief of Helen Curtis; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 12410) to amend section 8 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes", approved June 19, 1934; to the Committee on the Library.

By Mr. McANDREWS: A bill (H. R. 12411) to improve the efficiency of the Postal Service and increase the speed of its



operations; to the Committee on the Post Office and Post Roads.

By Mr. McGROARTY: A bill (H. R. 12412) to provide for the construction of a post-office building at Canoga Park, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12413) to provide for the construction of a post-office building at Lancaster, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12414) to provide for the construction of a post-office building at Burbank, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 12415) to cancel a specific class of rehabilitation loans against farmers in the drought area as an obligation against the recipients and their property; to the Committee on Agriculture.

By Mr. THOMAS: A bill (H. R. 12416) to authorize funds for the prosecution of works for flood control against flood disasters along the Battenkill in New York; to the Committee on Flood Control.

By Mr. WHELCHER: A bill (H. R. 12417) to prevent the Government from manufacturing and selling stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: A bill (H. R. 12418) to authorize funds for the prosecution of works for flood control against flood disasters along the Mettowie River in New York; to the Committee on Flood Control.

By Mr. BLAND: A bill (H. R. 12419) to apply laws covering steam vessels to seagoing vessels of 300 gross tons and over propelled by internal-combustion engines; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL: A bill (H. R. 12420) to amend chapter 61 of the act of February 7, 1920 (36 Stat. L. 901), and sections 450, 451, 452, 453, and 454 of the Tariff Act of 1930 (41 Stat. L. 402) so as to provide for the elimination of discriminations in payment of overtime as between employees of the Bureau of Customs on seaboards and on the Great Lakes, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGHAN: A bill (H. R. 12421) to amend the act approved June 19, 1934, entitled the "Communications Act of 1934"; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: A bill (H. R. 12422) to cancel certain unpaid interest accrued on loans secured by adjusted-service certificates; to the Committee on Ways and Means.

By Mr. CONNERY: A bill (H. R. 12423) to provide equal opportunities under the 10-percent differential for night work and overtime pay for work in excess of 8 hours for employees of the Custodial Service of the United States Post Office Department, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. QUINN: A bill (H. R. 12424) to provide for examination and registration of those engaging in the occupation of beauty culture; to the Committee on the District of Columbia.

By Mr. SCOTT: A bill (H. R. 12425) to amend section 80 of chapter 9 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898; to the Committee on the Judiciary.

By Mr. DEROUEN: A bill (H. R. 12426) authorizing the payment of certain salaries and expenses of employees of the General Land Office; to the Committee on the Public Lands.

By Mr. PETERSON of Florida: A bill (H. R. 12427) to provide for the establishment of a Coast Guard station at or near Pass-A-Grille Beach, Fla.; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 12428) to provide for the establishment of a Coast Guard station at or near Clearwater Beach, Fla.; to the Committee on Merchant Marine and Fisheries.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 12429) authorizing the President of the United States to award a medal of honor to Capt. Einar W. Sundstrom; to the Committee on Merchant Marine and Fisheries.

By Mr. COLDEN: A bill (H. R. 12430) granting a pension to Vera E. Bryant; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 12431) granting compensation to John Voorhees; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 12432) granting a pension to Ellen Thompson; to the Committee on Pensions.

Also, a bill (H. R. 12433) granting a pension to Caroline Danforth; to the Committee on Pensions.

By Mrs. JENCKES of Indiana: A bill (H. R. 12434) granting a pension to Elmer S. Laymon; to the Committee on Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 12435) for the relief of Pompeo Ercolano; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE: A bill (H. R. 12436) for the relief of Gullidge Lumber Co.; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 12437) to confer jurisdiction on the Court of Claims to hear and determine the claim of New York Harbor Drydock Corporation; to the Committee on Claims.

By Mr. SCHULTE: A bill (H. R. 12438) for the relief of Philipina Baca Klemencic; to the Committee on Immigration and Naturalization.

By Mr. SULLIVAN: A bill (H. R. 12439) for the relief of Herman Urist; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 12440) for the relief of Minnie Urist; to the Committee on Immigration and Naturalization.

By Mr. THOMAS: A bill (H. R. 12441) granting an increase of pension to Eliza Hoag; to the Committee on Invalid Pensions.

By Mr. WITHROW: A bill (H. R. 12442) granting an increase of pension to Louisa Reynolds; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10764½. By Mr. GOODWIN: Petition of 55 residents of the city of Kingston, N. Y., and vicinity, urging support of the Wheeler-Crosser bill (S. 4174 and H. R. 11609); to the Committee on Interstate and Foreign Commerce.

10765. By Mr. HAINES: Resolution from Farmer-Labor Party of York County, Pa., protesting against the policies of the Works Progress Administration and urging that all Works Progress Administration workers who lost their jobs be reinstated; to the Committee on Banking and Currency.

10766. By Mr. RICH: Petition of citizens of Bradford, Pa., favoring the Wheeler-Crosser bill (H. R. 11609); to the Committee on Interstate and Foreign Commerce.

10767. By the SPEAKER: Petition of the Brotherhood of Railway and Steamship Clerks; to the Committee on Interstate and Foreign Commerce.

#### SENATE

THURSDAY, APRIL 23, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, April 22, 1936, was dispensed with, and the Journal was approved.

#### CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.  
The VICE PRESIDENT. The clerk will call the roll.